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Twenty-Ninth Session, 1928

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Lt.-Col. the Right Hon'ble Sir FRANCIS STANLEY JACKSON, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, C.I.E., of Dhanbari, in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

The Hon'ble Mr. A. MARR, C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

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1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.
5. Legislative.

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1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.

MINISTERS.

The Hon'ble Sir PROVASH CHUNDER MITTER, KT., C.I.E., in charge of the following portfolios:—

1. Local Self-Government.
2. Agriculture and Industries (excluding Excise).
3. Public Works.

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur, in charge of the following portfolios:—

1. Education (excluding European Education).
2. Excise.
3. Registration.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja MANMATHA NATH RAY CHAUDHURI, of Santosh.

DEPUTY PRESIDENT.

Khan Bahadur Maulvi EMADUDDIN AHMED, B.L.

Panel of Chairmen for the Twenty-ninth Session.

1. Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh.
2. Dr. Sir DEVA PROSAD SARBADHIKARI, Kt., C.I.E., C.B.E.
3. Mr. W. L. TRAVERS, C.I.E., O.B.E.
4. Mr. M. ASHRAF ALI KHAN CHAUDHURI.

Secretary to the Council—J. BARTLEY, I.C.S.

Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Abbott, Mr. E. G. (Indian Jute Mills Association).
Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh. (Dacca University.)
Afzal, Maulvi Syed Mahamud. [Bakarganj West (Muhammadan).]
Ahamad, Mauvi Asimuddin. [Tippera South (Muhammadan).]
Ahamad, Maulvi Kasiruddin. [Rangpur West (Muhammadan).]
*Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Atiqullah, Mr. Syed Muhammad. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader, B.L. [Dinajpur (Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Promotha Nath [Midnapore South (Non-Muhammadan).]
Banerjee, Mr. A. C. [Calcutta South Central (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Basu, Babu Sasi Sekhar. [24-Parganas Rural South (Non-Muhammadan).]
Basu, Mr. P. C. [Burdwan South (Non-Muhammadan).]
Basu, Mr. Sarat C. [Burdwan North (Non-Muhammadan).]
Biswas, Babu Surendra Nath. [Faridpur South (Non-Muhammadan).]
Bose, Babu Bejoy Krishna. [Calcutta South (Non-Muhammadan).]
Bose, Mr. S. C. (Calcutta University.)
Bose, Mr. Subhas Chandra. [Calcutta North (Non-Muhammadan).]

C

Cassells, Mr. A. (Nominated Official.)
Chakravarti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]

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* Deputy President, Bengal Legislative Council.

Chakravarti, Mr. Byomkes. (Bengal National Chamber of Commerce.)
Chakraburtty, Babu Jatindra Nath. [Rangpur East (Non-Muhammadan).]
Chatarji, the Hon'ble Sir Nalini Ranjan, KT. (Member, Executive Council.)
Chatterjee, Srijut Bijay Kumar. [Bankura West (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman. (Nominated Non-official.)
Chaudhuri, Maulvi Nurul Huq. [Noakhali East (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, C.I.E., of Dhanbari. (Member, Executive Council.)
Choudhury, Maulvi Gholam Mawla. [Faridpur South (Muhammadan).]
Choudhury, Maulvi Khorshed Alam. [Bakarganj North (Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Coppinger, Lt.-Col. W. V., D.S.O., M.D., F.R.C.S.I. (Dub.), I.M.S. (Nominated Official.)

D

Das Gupta, Dr. J. M. [Calcutta Central (Non-Muhammadan).]
Dash, Mr. A. J. (Nominated Official.)
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Datta, Babu Amulya Chandra. [Hooghly Municipal (Non-Muhammadan).]
Dey, Mr. G. G., C.I.E. (Nominated Official.)
Dowding Mr. T. W. (Indian Mining Association.)
Drummond, Mr. J. G. (Nominated Official.)
Dutt, Babu Saral Kumar. [Bakarganj North (Non-Muhammadan).]
Dutt, Mr. G. S. (Nominated Official.)

E

Eddis, Mr. A. McD. (Bengal Chamber of Commerce.)

F

Faroqui, Khan Bahadur K. G. M. [Tippera North (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]
Fyfe, Mr. J. H. (Bengal Chamber of Commerce.)

G

Ganguly, Babu Khagendra Nath. [Howrah Municipal (Non-Muhammadan).]
Ghose, Babu Amarendra Nath. [Mymensingh West (Non-Muhammadan).]
Ghose, Mr. M. C. (Nominated Official.)
Ghosh Maulik, Mr. Satyendra Chandra. [Noakhali (Non-Muhammadan).]
Ghuznavi, Alhadj Sir Abdelkerim, Kt. [Mymensingh South-West (Muhammadan).]
Goenka, Rai Bahadur Badridas, C.I.E. (Bengal Marwari Association.)
Gofran, Maulvi Abdul. [Noakhali West (Muhammadan).]
Gordon, Mr. A. D. (Indian Tea Association.)
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. Jogesh Chandra. [Dacca City (Non-Muhammadan).]

H

Habibulla, Nawab Khwaja. [Dacca City (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Himatsingka, Babu Prabhu Doyal. [Calcutta West (Non-Muhammadan).]
Hopkyns, Mr. W. S., C.I.E., O.B.E. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur. (Minister.) [Malda *cum* Jalpaiguri (Muhammadan).]
Husain, Maulvi Latafat. (Nominated Non-official.)
Husain, Khan Bahadur Maulvi Syed Maqbul. [Chittagong North (Muhammadan).]
Huq, Khan Bahadur Maulvi Ekramul. [Murshidabad (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Dacca East Rural (Muhammadan).]

I

Ismail, Khan Bahadur Maulvi Muhammad. [Mymensingh Central (Muhammadan).]

J

James, Mr. F. E., O.B.E. [Presidency and Burdwan (European).]

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan.)]
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan Chaudhuri, Mr. M. Ashraf Ali. [Rajshahi North (Muhammadan).]
Khan, Khan Sahib Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur North (Muhammadan).]
Khan, Mr. Razaur Rahman. [Dacca East Rural (Muhammadan).]

L

Lala, Babu Saroda Kripa. (Chittagong Landholders.)
Luke, Mr. N. R. (Indian Jute Mills Association).

M

Macartney, Mr. J. G. [Dacca and Chittagong (European).]
Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Babu Mahendra Nath. [Midnapore South-East (Non-Muhammadan).]
Marr, the Hon'ble Mr. A., C.I.E. (Member, Executive Council.)
Martin, Mr. O. S. (Bengal Chamber of Commerce.)
Mazumdar, Rai Bahadur Jadunath, C.I.E. [Jessore North (Non-Muhammadan).]
McCluskie, Mr. E. T. (Anglo-Indian.)
Miller, Mr. C. C. (Bengal Chamber of Commerce.)
Mitter, the Hon'ble Sir Provash Chunder, Kt., C.I.E. (Minister.) (Presidency Landholders.)
Moitra, Srijut Jogendra Nath. [Bogra *cum* Pabna (Non-Muhammadan).]
Morgan, Mr. G., C.I.E. (Bengal Chamber of Commerce.)
Mukerjea, Srijut Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, Mr. Khwaja, C.I.E. [Bakarganj South (Muhammadan).]
Nelson, Mr. W. H. (Nominated Official.)

P

Pal Choudhuri, Mr. Ranjit. [Nadia (Non-Muhammadan).]
Parrott, Mr. Percy. (Bengal Chamber of Commerce.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Prentice, the Hon'ble Mr. W. D. R., C.I.E. (Member, Executive Council.)

R

Rahim, Sir Abd-ur, K.C.S.I. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Maulvi Shamsur. [Khulna (Muhammadan).]
Rahman, Mr. A. F. (Nominated Non-official.)
Rahman, Mr. A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rauf, Maulvi Syed Abdur. [Jessore North (Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur West (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
Ray, Maharaja Jogindra Nath, of Nator. (Rajshahi Landholders.)
Ray, Srijut Radha Gobinda. [Bankura East (Non-Muhammadan).]
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
*Ray Chaudhuri, the Hon'ble Raja Manmatha Nath, of Santosh. (Dacca Landholders.)
Reid, Mr. R. N. (Nominated Official.)
Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. Bijoy Prasad Singh. (Nominated Non-official.)
Roy, Mr. D. N., Bar.-at-Law. [Jessore South (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]

S

Sachse, Mr. F. A. (Nominated Official.)
Sanyal, Babu Sachindra Narayan. [Rajshahi (Non-Muhammadan).]

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* President of the Bengal Legislative Council.

Sarbadhikari, Dr. Sir Deva Prosad, Kt., c.i.e., c.b.e. (Nominated Non-official.)
Sarker, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sattar, Khan Sahib Abdus. [Chittagong South (Muhammadan).]
Sattar, Mr. Abdool Razak Hajee Abdool. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Sen, Mr. Satish Chandra. (Bengal National Chamber of Commerce.)
Sen, Srijut Nagendra Nath. [Khulna (Non-Muhammadan).]
Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Shah, Mr. Gholam Hossain. [24-Parganas Municipal (Muhammadan).]
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Stapleton, Mr. H. E. (Nominated Official.)
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Thomas, Mr. H. W. (Calcutta Trades Association.)
Travers, Mr. W. L., c.i.e., o.b.e. [Rajshahi (European).]

W

Wordsworth, Mr. W. C. [Presidency and Burdwan (European).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Twenty-ninth Session.)

VOLUME XXIX.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 9th July, 1928, at 3 p.m.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 125 nominated and elected members.

Oath or Affirmation.

The following members made an oath or affirmation of their allegiance to the Crown:—

Mr. W. S. HOPKYNS, C.I.E., O.B.E.

Lt.-Col. W. V. COPPINGER, D.S.O., M.D., F.R.C.S.I. (Dub.), I.M.S.

Mr. A. J. DASH.

Mr. H. E. STAPLETON.

Maulvi NURUL HUQ CHAUDHURI.

Mr. RANJIT PAL CHOUDHURI.

Mr. A. D. GORDON.

Mr. J. H. FYFE.

Mr. O. S. MARTIN.

Mr. C. C. MILLER.

Mr. H. W. THOMAS.

Obituary references.

Mr. PRESIDENT: Gentlemen of the Council, death has been busy in the ranks of members and ex-members of this Council since we last met. The country and this Council have to mourn the death of five notable gentlemen, namely:—

The Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia, the late Leader of this House and Vice-President of the Executive Council of the Government of Bengal, Rai Mahendra Chandra Mitra Bahadur, C.I.E., of Hooghly, Raja Tankanath Chaudhuri of Malduar, Khan Bahadur Maulvi Md. Ershad Ali Khan Chaudhuri of Nator and Khan Bahadur Mahboob Alley of Calcutta.

The Maharaja Bahadur was a martyr to duty. He died practically fighting at his post. He had been in failing health for some time past but despite this he attended to his duties in connection with the last Budget of this House. The strain undoubtedly aggravated his disease and he had to go on leave. He died at his Calcutta house on the 22nd May last in the prime of his life. He was only 37 years of age.

He was decorated with the title of Maharaja at the Coronation Durbar in Delhi in 1911 and the title Maharaja Bahadur was conferred on him in 1917. He was elected as the first non-official Chairman of the Nadia District Board in 1920, and in the same year was returned as an elected member of this Council from the Nadia (Non-Muhammadan) constituency and served as such during the period 1921-23. He was appointed a member of the Executive Council in August, 1924. He became Vice-President of that Council on the 11th October, 1927. He was to have been decorated at the last birthday Honours as a Knight Commander of the Most Eminent Order of the Indian Empire.

He belonged to the illustrious Nadia Raj family descending directly from Bhattanarayan, one of the five Brahmans who were brought from Kanauj by Adisur, King of Bengal. The names of scions of the illustrious family are known in every household of Bengal. This illustrious family has exercised a large influence on the cultivation of Sanskrit learning and on the politics of the province and the late Maharaja Bahadur was a worthy upholder of his family's noble traditions.

The late Maharaja Bahadur was always sociable, courteous and sympathetic to all who came in contact with him. We, in this Council, had first hand experience of the wonderful charm of his personality.

We have also to mourn the loss of another tried and faithful son of Bengal, Rai Mahendra Chandra Mitra Bahadur, C.I.E., who died on the 1st May last. I believe he was over 80 years of age at the time of his death. He had a very successful career at the Hooghly Bar. He was a Government Pleader there but he gave that up and entered the

Bengal Legislative Council in which he served during 1916-20 and 1921 to 1923, under the old and new constitutions. He was long connected with the Hooghly-Chinsurah Municipality and was its revered Chairman for several terms.

His minute of dissent forms the Minority Report of the Ministerial Officers' Salary Committee which was presided over by Mr. M. C. McAlpin. The late Rai Bahadur was a kind hearted and courteous gentleman but withal an uncompromising foe where the interests of his country demanded it.

In recognition of his public services the title of Rai Bahadur was given him in 1911 and the C. I. E. in January, 1928.

I have also to refer to the sad and untimely death of Raja Tankanath Chaudhuri of Malduar who was a member of this Council from the Dinajpur (Non-Muhammadan) constituency during 1921-23 and served for many years as member and Chairman of the Dinajpur District Board. Those who were here in the first Council under the Reforms will remember him as assiduous in his duties and as always showing the very keenest desire to serve the best interests of his constituency.

(4) Khan Bahadur Maulvi Md. Ershad Ali Khan Chaudhury of Nator (Rajshahi) was a member of this Council during 1921-23. He died suddenly at the age of 72 years in March last.

He was an influential zamindar loved by the Hindus and Muhammadans alike. His public services in connection with the municipality, district and local boards and the Co-operative Department, and the governing body of the Rajshahi College are well known. He served for sometime as Honorary Magistrate and was a non-official visitor of the Rajshahi Central Jail and gave contributions to the Rajshahi District Board towards removing water scarcity and for erection of charitable dispensaries.

His only son Mr. M. Ashraf Ali Khan Chaudhuri is our colleague in this Council and he has our deepest sympathy in his sad loss.

Khan Bahadur S. Mahboob Alley died on the 29th June last. He was a member of this Council from the 27th April 1921 to 1923 and again from 1924 to 1926. He was a Commissioner of the Maniktala Municipality for over ten years and afterwards when that Municipal area was included in the area of the Corporation of Calcutta he sat on the latter body for a time. He served as an Honorary Magistrate and was a member of many important committees and public bodies, such as, the Donald Committee, the Estates and Succession Duties Committee, the Howrah Bridge Bill Committee, the Committee on Public Accounts, the Board of Control for Apprenticeship Training, the Bengal Board of Censors, the Committee of the Indian Territorial Force, the Board of Haj Pilgrims, the Board of Visitors of the Presidency Jail, the Board

of the House of Detention and the Committee of the Campbell Hospital. As a recognition of his public services the title of Khan Bahadur was conferred on him in the year 1925. He made himself loved and respected by all with whom he came into contact by reason of his sincerity and earnestness and the sobriety and moderation which he brought to bear in the consideration of public questions.

With your permission, gentlemen, I propose to convey the condolence of the House to the bereaved families. I now request you, gentlemen, to show your respect to the memory of the deceased gentlemen by kindly rising in your places.

(The members then rose in their seats.)

Mr. PRESIDENT: Thank you, gentlemen. The Secretary will please take the usual action.

Point of order.

Srijut BIJAY KUMAR CHATTERJEE: Sir, I sent a notice for the adjournment of the business of this House for the purpose of discussing a definite matter of urgent public importance, namely, the serious situation that has arisen by reason of the inadequacy of the steps taken by Government to meet the famine conditions now prevailing in some parts of Bengal.

Mr. PRESIDENT: Order, Order. I shall first form the panel of Chairmen and then you may raise the point.

3-15 p.m.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session:—

(1) Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh.

(2) Dr. Sir DEVA PROSAD SARBADHIKARI, KT., C.I.E., C.B.E.

(3) Mr. W. L. TRAVERS, C.I.E., O.B.E.

(4) Mr. M. ASHRAF ALI KHAN CHAUDHURI.

Unless otherwise arranged, the senior member among them present in the above order named will preside over the deliberations of the Council in my absence and in the absence of the Deputy President.

Motion for adjournment of the business of the House.

Srijut BIJAY KUMAR CHATTERJEE: Sir, I sent a notice for the adjournment of the business of this House for the purpose of discussing a definite matter of urgent public importance, namely the serious situation that has arisen by reason of the inadequacy of the steps taken by Government to meet the famine conditions now prevailing in some parts of Bengal. I want your decision on the subject.

Mr. PRESIDENT: I think you have already been informed that I have withheld my consent.

Dr. PRAMATHANATH BANERJEA: On a point of information, Sir. Is it your ruling that there may be anything else more important and more urgent than the saving of human life?

Mr. PRESIDENT: That question does not arise. I rule you out of order, Dr. Banerjea.

Rai HARENDRANATH CHAUDHURI: Are we not entitled to know the reasons for which the motion was disallowed?

Mr. PRESIDENT: I think the reasons are in my written order.

Srijut BIJAY KUMAR CHATTERJEE: No order has been communicated to us—to me, at least.

Mr. PRESIDENT: I am very sorry that the order has not yet been communicated to you. Probably you gave this notice at the last moment. In fact, when I came in I found the file on my table, and I passed on it my orders, then and there.

This famine is a matter of slow growth; it has not occurred all of a sudden, and I think the urgency of the matter at the present moment has not been proved to my satisfaction. The materials before me do not justify my upsetting the ordinary business of the House.

Maulvi ABUL KASEM: On a point of order, Sir, when may we have an opportunity of discussing the important question raised in the motion proposed by my friend. I submit that the situation is a very serious one, and deserves a discussion in this House.

Mr. PRESIDENT: That may be your opinion, but in my opinion you have yet to prove that the matter is so very urgent at the moment as to justify my upsetting the settled programme of the House.

Babu JITENDRALAL BANNERJEE: Will you reconsider your decision if facts relating to the circumstances were brought to your notice to justify its being placed before the Council?

Mr. PRESIDENT: I think the hon'ble member knows my attitude; he has been to my Chamber and I have told him what my views are.

Srijut BIJAY KUMAR CHATTERJEE: On a point of order, Sir, there was no sitting of the Council before this, and we did not have any opportunity of discussing this matter earlier.

Mr. PRESIDENT: I have taken into consideration all the materials placed before me and so far as my opinion goes, I should be given more materials and definite informations before I can think of suspending the ordinary business of the Council to make way for your motion.

Dr. BIDHAN CHANDRA ROY: On a point of order, Sir. So far as I understood, your ruling was that because the famine was of slow growth, but the question raised by Mr. Chatterjee was with regard to the steps taken by Government to meet the situation. Don't you think the matter is of sufficient public interest to warrant discussion.

Mr. PRESIDENT: I may inform you that some members of your party have been to my Chamber and the matter was discussed with them thoroughly. I was able to convince them that the materials which have been placed before me were insufficient.

Starred Questions

(to which oral answers were given).

Permits to cut fuel and golepata in the Sunderbans Forest Division.

***1. Srijut NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Forests) be pleased to state how many, if any, new fuel coupe and *golepata* coupe have been opened during the last decade in the Sunderbans Forest Division?

(*b*) Is the Hon'ble Member aware that the existing supply is inadequate?

(*c*) Will the Hon'ble Member be pleased to state the total amount of fines realised from alleged delinquents who have been unable to gather their fuels and *golepata* within the period covered by their respective licenses in 1926-27?

MEMBER in charge of DEPARTMENT of REVENUE (FORESTS) (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (*a*) Purchasers are allowed to cut fuel and *golepata* over the whole area of the Sunderbans forests; the are not restricted to a coupe.

(*b*) Yes: the demand for fuel and *golepata* has been greater than the supply during the last five years.

(*c*) No fine is realised from purchasers who cannot gather their fuel and *golepata* within the period covered by their permits. But time-expiry fees amounting to Rs. 4,581 were realised in 1926-27 from holders of permits who continued to collect fuel and *golepata* after their permits had expired.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state whether the excess enhanced fees were realised in the nature of a fine, or a penalty, or what?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: As time-expiry fees.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state whether the persons from whom these fees were collected were allowed to collect the *golepata* and fuel at the expiry of the time limit, or whether they were confiscated to Government?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I want fresh notice.

Rai HARENDRANATH CHAUDHURI: From how many persons were these fees collected?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I cannot possibly say off hand.

Application of loan for rural water-supply by the District Board of Khulna.

***2. Srijut NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that the District Board of Khulna applied for a loan of Rs. 30,000 to Government for the relief of water scarcity in the district?

(*b*) Has the loan been granted? If not, why not?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) and (*b*) Provision for a loan of Rs. 30,000 for rural water-supply in the Khulna district was made in the budget of 1927-28, and the money was drawn by the district board on 2nd February, 1928. In July, 1927, the Commissioner reported that the district board want a further loan of Rs. 30,000 for the same object to be included in the budget of 1928-29. He was asked to obtain a formal application with details of the work to be undertaken. The formal application did not reach the Commissioner until September, and as details had not been furnished, he did not forward it to Government then. The Commissioner has since submitted the formal application. It will be considered along with applications from other district boards submitted in response to the circular issued by Government regarding the adoption of a loans policy for rural water-supply. If possible, the loan will be granted during the current year.

Srijut NAGENDRA NATH SEN: When was the formal application sent by the Commissioner to the Government?

The Hon'ble Sir PROVASH CHUNDER MITTER: Last May, so far as I remember.

Srijut NAGENDRA NATH SEN: I want information as to the latest date by which applications by district boards for loans should reach Government so as to enable them to be included in the budget.

The Hon'ble Sir PROVASH CHUNDER MITTER: The 15th of August at the latest; it is better for them to reach earlier.

Rai HARENDRANATH CHAUDHURI: Is it not a fact that new proposals in the nature of supplementary demands are not submitted before the 15th August?

The Hon'ble Sir PROVASH CHUNDER MITTER: I cannot understand the implication of the question.

Mr. PRESIDENT: Sir Provash, you must either answer the question or decline to do so; I cannot permit any discussion on the point. Do you decline to answer?

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not decline to answer the question, but I do not understand the implication of the question.

Rai HARENDRANATH CHAUDHURI: May I explain? It is a rule of the Finance Department that proposals in the nature of new proposals should be communicated to them before the 15th August, whether it is a new proposal or in the nature of a supplementary demand. My question is that since the loan was granted to the Khulna District Board, the further application by the district board for a further loan was in the nature of a supplementary demand, and it cannot be insisted upon that this proposal should be submitted before the 15th August.

The Hon'ble Sir PROVASH CHUNDER MITTER: The original loan for Rs. 30,000 was granted; there was a request for another loan, but that did not reach the Commissioner before September. The two things are separate.

Rai HARENDRANATH CHAUDHURI: What business had the Commissioner to withhold the application?

The Hon'ble Sir PROVASH CHUNDER MITTER: The answer already given is self-explanatory. The Commissioner did not send it up, because he wanted further details.

3-30 p.m.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Minister be pleased to state when the application reached the Commissioner?

The Hon'ble Sir PROVASH CHUNDER MITTER: If the hon'ble member wants the information I shall obtain it.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state, with reference to the last line of his reply, "if possible the loan will be granted in the current year," on what does the possibility or otherwise depend?

The Hon'ble Sir PROVASH CHUNDER MITTER: That depends on the loan budget.

Restrictions on certain released détenus.

***3. Babu PRABHU DOYAL HIMATSINGKA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether Srijuts Jatindra Nath Bhattacharjya, Panchanan Chakrabartti, Kiran Chandra De and Kaliprosad Banerjee, who were released under certain restrictions, have been served with fresh orders of further restrictions?

(*b*) If so, what is the reason for such a procedure?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes. They are required to notify their movements to the police, if they absent themselves for more than 48 hours from their places of residence.

(*b*) Experience showed that the form of order previously in use was defective: it was therefore revised and the new form was issued to these among other détenus

Proposal to acquire lands for the removal of Irrigation headquarters from Gadghat to Ghatal.

***4. Babu DEBENDRA LAL KHAN:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether it is in the contemplation of the Government to remove the Irrigation Department offices and the quarters for the officers concerned from Gadghat to the town of Ghatal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether it is a fact that the Government propose to acquire for the purpose homestead lands near the post office?

(*c*) Is it a fact that the said lands are *debutter* properties on which stand the Ramkrishna Seva Asram, several temples of Hindu gods and a number of ancestral dwelling-houses belonging mostly to the Sebait Brahmins who have to worship these gods every day?

(*d*) Is the Hon'ble Member aware that a feeling of discontent prevails among the Hindu population in regard to the proposed acquisition of the said lands and that the inhabitants of the subdivision have submitted a memorial to the Secretary to the Government of Bengal protesting against the acquisition of the said lands?

(*e*) Is the Hon'ble Member aware that the Government are already in possession of two plots of land which are lying unused as the scheme of building an annexe to the Munsif's Court and his quarters has now been abandoned?

(*f*) Are the Government considering the desirability of building the said Irrigation offices and quarters either on the plots of land already acquired by Government as stated in (*e*) or on either of the two plots of land, *viz.*, one in the vicinity of the municipal tank called the Chowdhury Pukur and the other in the neighbourhood of the Sub-Registrar's office to the south of it?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (*a*) Government have decided not to proceed with the project for the removal of the headquarters of the Gadghat subdivision to Ghatal.

(*b*) to (*f*) Do not arise.

Dr. BIDHAN CHANDRA ROY: The last answer given by the Hon'ble Nawab Bahadur is supposed to be included in the printed question paper. I find, however, that it has been scored through.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The answer has since been corrected.

Baral river.

***5. Srijut JOGENDRA NATH MOITRA:** (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that a largely signed memorial has been sent to the Governor in Council by persons residing in villages on both the sides of the river Baral in the districts of Rajshahi and Pabna praying for taking early steps to improve the condition of the river?

(*b*) Has the attention of the Hon'ble Member been drawn to the joint inspection report submitted by the Directors of Public Health and Agriculture laying great stress on the desirability of such a measure?

(*c*) Will the Hon'ble Member be pleased to state what steps, if any, the Government propose to take in the matter?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Yes.

(*b*) Yes.

(*c*) The matter is under investigation, and till the investigation is complete, it is not possible to say what steps, if any, will be taken.

Srijut JOGENDRA NATH MOITRA: Will the Hon'ble Member be pleased to state when the investigation is likely to be completed?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: It is not possible to say.

License fees for fuel, golepata and other woods.

*6. **Srijut NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Forests) be pleased to state whether the license fees for fuel and other woods and *golepata* have been increased?

(*b*) If so, will the Hon'ble Member be pleased to lay on the table a statement showing the increase during the last 20 years, and the reasons therefor?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Yes.

(*b*) The rates vary in different Forest Divisions and even in different areas within the same division, and also according to various kinds of wood and of the different classes of each kind of wood. Government do not consider that the advantage of compiling and printing a statement of these numerous rates and their variations during the last 20 years would be commensurate with the labour and expense involved. The variations during this period have been in some cases as small as 10 per cent. and in some cases as high as double. The reasons for increases have been the higher market value of the wood, and the limited supply of a species (*e.g.*, Tuni and Walnut) which it is difficult to regenerate or mature.

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state if the increases are confined to cases stated, *viz.*, the higher market value of the wood and the limited supply of a species?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: As far as I know it is so.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state who fixes the rates of a particular forest division?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The Conservator of Forests.

Détenu late Srijut Ranjit Kumar Banerjee.

***7. Babu PRABHU DOYAL HIMATSINGKA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the date of arrest of Srijut Ranjit Kumar Banerjee;

(*ii*) when he was domiciled in a village;

(*iii*) whether he was served with an order not to enter or remain in any area of Bengal except the district of Murshidabad; and

(*iv*) if so, on what date the said order was served?

(*b*) Is it a fact that he was suffering from abdominal complaint during internment or at the time of serving on him the order to remain within the Murshidabad district?

(*c*) Is the Hon'ble Member aware that Srijut Ranjit Kumar Banerjee died on the 28th April, 1928, due to some abdominal complaint?

(*d*) Is it a fact that Babu Ranjit Kumar Banerjee was under the operation of the Bengal Criminal Law Amendment Act, 1925, at the time of his death?

(*e*) If so, what steps did the Government take for treatment and nursing of Babu Ranjit Kumar Banerjee when his illness had grown serious?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) 25th October, 1924.

(*ii*) In April, 1927.

(*iii*) Yes.

(*iv*) December 14th, 1927.

(*b*) Government have no information on this subject save that in December, 1927, the détenu stated in a letter that he had recently suffered from dysentery.

(*c*) Government are aware that Babu Ranjit Kumar Banerjee died in April, 1928, but have no information regarding the cause of his death.

(*d*) Yes, in so far as he was subject to the restrictions imposed by section 11 (*1*) (*a*), (*b*) and (*c*) of the Act.

(*e*) None, as no application for treatment or nursing was made and Government were not aware that he was ill.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state with reference to (*b*) if any steps were taken to verify the information contained in the letter?

The Hon'ble Mr. W. D. R. PRENTICE: So far as I know Government had no reason to verify the information. Government accepted the fact that the détenu recently suffered from dysentery.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state with reference to (*c*) whether Government made any inquiries?

The Hon'ble Mr. W. D. R. PRENTICE: I would ask for notice I have not looked up this point.

Mr. SUBHAS CHANDRA BOSE: Was the attention of the Hon'ble Member drawn to the reasons stated in the newspapers regarding the death of this détenu?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Babu MANMATHA NATH ROY: Will the Hon'ble Member be pleased to state whether, having accepted the statement of the détenu, Government did provide for his treatment?

The Hon'ble Mr. W. D. R. PRENTICE: The information was that he had recently suffered from dysentery, not that he was then suffering?

Babu MANMATHA NATH ROY: Was the information oral or in writing?

The Hon'ble Mr. W. D. R. PRENTICE: I have already said that it was a letter.

Babu MANMATHA NATH ROY: Will the Hon'ble Member be pleased to state what the exact words of the letter were?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot say.

Mr. J. M. SEN GUPTA: Will the Hon'ble Member be pleased to state in what context the détenu thought fit merely to inform Government that he had recently suffered from dysentery? Was he asking for any treatment, or support, or money, or removal to a healthier place?

The Hon'ble Mr. W. D. R. PRENTICE: I do not remember the contents of the letter, but if the member gives notice I will let him know.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state what was the cause of death mentioned in the death register of the burning ghat?

The Hon'ble Mr. W. D. R. PRENTICE: I have not looked into it

Alleged canvassing by Government officers in the Nadia bye-election to the Bengal Legislative Council.

***8. Mr. RANJIT PAL CHOUDHURI:** Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) whether there is any circular prohibiting Government officers canvassing for any candidate in election; and

(*ii*) whether it is a fact that some of the Government officials canvassed for one of the candidates in the recent Nadia bye-election to the Bengal Legislative Council?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*) Government servants are prohibited from canvassing in an election to a Legislative Council by rule 23 (*2*) of the Government Servants' Conduct Rules.

(*ii*) The Government are not aware that this rule has been contravened by any of its officers as mentioned in the question.

Babu AKHIL CHANDRA DATTA: Will the Hon'ble Member be pleased to state if any enquiry has been made into this matter?

The Hon'ble Mr. W. D. R. PRENTICE: Subsequent to this answer being sent in we got a reply from the District Magistrate that the statement is maliciously false.

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member aware that Mr. Hridayranjan Sen had been canvassing?

The Hon'ble Mr. W. D. R. PRENTICE: It is denied.

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member aware that Mr. A. Samanta, Deputy Magistrate, Sadar, had been canvassing?

The Hon'ble Mr. W. D. R. PRENTICE: It is denied.

Mr. J. M. SEN GUPTA: Is the Hon'ble Member aware that the said Mr. Samanta asked the people in open court not to support the candidature of the Swaraj candidate?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware of it.

Mr. SUBHAS CHANDRA BOSE: Is the Hon'ble Member aware that Mr. S. C. Bose was canvassing in this connection?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Babu AKHIL CHANDRA DATTA: Was the attention of Government drawn to this matter before the election?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Babu AKHIL CHANDRA DATTA: Is the Government prepared to make any enquiry?

The Hon'ble Mr. W. D. R. PRENTICE: There is no need.

Mr. J. M. SEN GUPTA: Will the Hon'ble Member be pleased to state whether the District Magistrate made a general answer that there was no canvassing by Government officers without making any enquiry from any of the persons whom we have named?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot say from whom he made inquiries.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state whether the District Magistrate of Nadia made enquiries of the Subdivisional Officer before he sent in his report?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot say.

Mr. JOGESH CHANDRA GUPTA: Having regard to the rights of members who are elected to this Council would you, Sir, as the custodian of those rights.....

Mr. PRESIDENT: I rule you out of order, as that is not the way to put a supplementary question.

Mr. JOGESH CHANDRA GUPTA: I rise on a point of order . ..

Mr. PRESIDENT: Then you are not putting your supplementary question.

Mr. JOGESH CHANDRA GUPTA: I will first make my submission on a point of order and then I shall put my supplementary question.

Mr. PRESIDENT: Would you make your point of order quite clear?

Mr. JOGESH CHANDRA GUPTA: Sir, my point of order is this: you being the custodian of the rights of the members of this House would you kindly help us to get from the Members of Government a satisfactory reply when serious questions on the interference with the elections are concerned. If you, Sir, agree with me, then I shall put the next question.

Mr. PRESIDENT: So far as I could understand, the Hon'ble Mr. Prentice was quite definite when he denied the charges that were made. What more emphatic answer could you expect?

Babu AKHIL CHANDRA DATTA: Will the Hon'ble Member be pleased to state whether in view of all the charges that have been made in the supplementary questions put to-day by members of this Council, Government will be pleased to make a further enquiry into the matter?

Mr. PRESIDENT: Mr. Datta, are you putting a supplementary question or what?

Babu AKHIL CHANDRA DATTA: My question is, Sir, whether the Government will be pleased to make a further enquiry into this matter, in view of the disclosures made in the supplementary questions?

The Hon'ble Mr. W. D. R. PRENTICE: Before I came to the Council I did not hear of the various cases which have been specified except one. If members will put their complaints in writing I shall certainly see whether the circumstances demand such an enquiry.

Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Member be pleased to state, with reference to the denials made by him, whether these denials are based on personal enquiries made by the Hon'ble Member in charge himself, or enquiries made from the accused officers themselves?

The Hon'ble Mr. W. D. R. PRENTICE: I have already stated that the District Magistrate has reported that these allegations are maliciously false and I accept the statement of the District Magistrate.

Number of injunctions issued against the Mussalmans preventing them from sacrificing cows in certain villages in Khulna.

***9. Maulvi SHAMSUR-RAHMAN:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state in how many villages in the district of Khulna injunctions under section 144, Criminal Procedure Code, were issued against the Mussalmans preventing them from sacrificing cows during the last *Bakr-Id*?

(*b*) Did the Magistrates issuing the injunctions inquire into the reasonableness of the order by a personal visit to the village in question?

(*c*) Will the Hon'ble Member be pleased to lay on the table a statement showing:—

(*i*) the names of the villages and the thanas;

(*ii*) the number of Hindu and Mussalman householders in the village;

(*iii*) the distance of the nearest Hindu home from the proposed place of sacrifice; and

(*iv*) the nationality of the person on whose report the injunction was issued?

(*d*) Will the Hon'ble Member be pleased to lay on the table copy of any rules or circulars for the guidance of officers regarding allowing or disallowing of sacrifices in villages?

(*e*) If there be none, will the Hon'ble Member be pleased to state whether it is in the contemplation of the Government to issue a *communiqué* for the edification of the Mussalmans as to the conditions and circumstances under which a cow-sacrifice may be allowed for the first time in the village?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Seven villages.

(*b*) In six villages orders were issued after personal enquiries by the Subdivisional Officers concerned and in one village after local investigation by a superior police officer.

(*c*) A statement is laid on the table.

(*d*) Government are not prepared to lay on the table any copy of instructions which have been issued to their officers.

(*e*) Does not arise.

Statement referred to in the answer to clause (*c*) *of starred question No. 9 giving particulars on the points.*

(i)		(ii)		(iii)	(iv)
Names of villages.	Police-stations.	Number of householders.		Distance of the nearest Hindu house from the proposed place of sacrifice.	Nationality of the person on whose report the injunction was issued.
		Hindus.	Muhammadans.		
Kharnia ..	Dumuria ..	360	35	200 yards ..	Hindu.
Chandanimahal	Daulatpur ..	274	183	¼ mile .. .	Hindu.
Madanpur .	Kalaroa ..	37	42	Hindu house, 250 yards. Hindu shrine, 200 yards.	Hindu.
Satpota ..	Kalaroa .	21	38	75 yards	Hindu.
Ramkrishnapore	Kalaroa ..	65	44	Hindu shrine, 100 yards	Muhammadan, corroborated by Hindu.
Jainagore ..	Kalaroa ..	163	27	250 yards. Proposed place situated on debottar property.	Hindu.
Chanda ..	Kalaroa ..	26	18	150 yards from a Hindu house and a Hindu shrine.	Hindu.

Maulvi SHAMSUR-RAHMAN: Is the list complete?

The Hon'ble Mr. W. D. R. PRENTICE: It is the list which has been furnished by the District Magistrate.

Maulvi TAMIZUDDIN KHAN: Is the Hon'ble Member aware that in Kharia village in Paikgacha thana a notification was issued to the villagers?

The Hon'ble Mr. W. D. R. PRENTICE: If the hon'ble member will give me particulars of the case, I shall enquire about it.

Telegraphic communication between the mainland and the island of Sandwip in Noakhali, proposal for.

***10. Babu AMARENDRA NATH GHOSE:** (*a*) Will the Hon'ble Member in charge of the Department of Commerce be pleased to state what steps have been taken by them since the withdrawal of the Resolution in the Bengal Legislative Council in April, 1921, by Babu Annada Charan Dutta regarding the establishment of telegraphic communication between the mainland and the island of Sandwip in the district of Noakhali?

(*b*) Do the Government contemplate bearing a substantial portion of the recurring charges mentioned in the proceedings of the Bengal Legislative Council by the Hon'ble Member in charge (*vide* Bengal Legislative Council Proceedings, Volume I, pages 1388 and 1389)?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. A. Marr): (*a*) The attention of the Commissioner of the Chittagong Division was drawn to the substance of Babu Annada Charan Dutta's Resolution and Sir John Kerr's reply. His attention was also drawn to the revised estimate referred to in Sir John Kerr's speech, but up to the present the guarantee required by the Telegraph Department has not been furnished by the local residents.

(*b*) Government are unable to undertake any liability with regard to the charges. Under the new order issued by the Government of India in 1924 the liability is now double what it was in 1921.

Détenu Srijut Naresh Chandra Chaudhuri.

***11. Babu PRABHU DOYAL NIMATSINGKA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the condition of health of Srijut Naresh Chandra Chaudhuri of Nandina (Bajitpur) when he was detained under the Bengal Criminal Law Amendment Act;

(*ii*) whether he was operated on for appendicitis during his detention in jail;

(*iii*) whether he suffered from an attack of paralysis while in jail;

(*iv*) whether he was attacked with fever and pneumonia while interned;

(*v*) whether he was attacked with pleurisy and double pneumonia again while interned;

(*vi*) whether Naresh Babu was refused the medical expenses when he was attacked with pneumonia for the second time during internment;

(*vii*) whether Government asked him to engage private doctors immediately by telegram on his application for medical help;

(*viii*) if so, what was then the reason of refusing him the expenses incurred for engaging private doctors; and

(*ix*) whether Naresh Babu has been in indifferent health when he was released (conditionally)?

(*b*) Is the Hon'ble Member aware that Naresh Babu had an attack of double pneumonia shortly after his conditional release while he was still under the operation of the Bengal Criminal Law Amendment Act?

(*c*) If so, what did the Government do for his treatment?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) He suffered from an attack of hepatitis shortly after his arrest under the Bengal Criminal Law Amendment Act.

(*ii*) He was removed from jail and operated on for appendicitis at the Sambhu Nath Pandit Hospital.

(*iii*) He developed symptoms of paralysis of certain muscles of his right arm and was given electric treatment for this.

(*iv*) Yes.

(*v*) Yes.

(*vi*) and (*viii*) As the Civil Surgeon arranged for his treatment by deputing a sub-assistant surgeon, payment of a bill submitted by the détenu for medical assistance which he called in without reference to the authorities was refused.

(*vii*) No.

(*ix*) Yes.

(*b*) Yes.

(*c*) No application for assistance or treatment was addressed to Government.

Mr. SUBHAS CHANDRA BOSE: With reference to (*vi*) and (*viii*), will the Hon'ble Member be pleased to state what sort of medical assistance was called in by the détenu in question?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know the names or the qualifications of the doctors called in.

Dr. BIDHAN CHANDRA ROY: May I enquire whether the Hon'ble Member is entitled to put certain statements in the paper without enquiring fully into the matter? What is the good of giving these vague answers?

(No answer was given).

Mr. KIRAN SANKAR ROY: Will the Hon'ble Member be pleased to state whether it is one of the conditions of the detention that a détenu must be treated by a particular man and not by any body else?

The Hon'ble Mr. W. D. R. PRENTICE: No, but if the détenus expect Government to pay the fees they must consult Government before incurring the expenditure.

Babu Manmatha Nath Roy asked a supplementary question which was not heard at the reporters' table.

The Hon'ble Mr. W. D. R. PRENTICE: I do not know. But I will enquire if the hon'ble member so wishes.

Babu Manmatha Nath Roy again asked a supplementary question which was not heard at the reporters' table.

The Hon'ble Mr. W. D. R. PRENTICE: I do not know.

Mr. SUBHAS CHANDRA BOSE: With reference to answers to questions (*vi*) and (*viii*), is it not a fact that the sub-assistant surgeon deputed by the Civil Surgeon was an unqualified man—at least he was not as fit a physician as the doctor called in by the détenu?

The Hon'ble Mr. W. D. R. PRENTICE: Being a sub-assistant surgeon he has qualifications which are recognised.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state if it is the rule of the Government that détenus suffering from pneumonia have got to wait for Government sanction before calling in doctors?

The Hon'ble Mr. W. D. R. PRENTICE: There is no such rule.

Mr. SUBHAS CHANDRA BOSE: With reference to (*c*) will the Hon'ble Member be pleased to state if any application for financial assistance will be considered by Government?

The Hon'ble Mr. W. D. R. PRENTICE: That is a hypothetical question, I submit.

Local Boards.

*12. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether it is in the contemplation of Government to abolish local boards?

(*b*) If so, do the Government intend to introduce any Bill with a view to amend the Local Self-Government Act. If so, when?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) These matters are under consideration, but Government have not arrived at any final decision.

Typists and copyists of courts.

*13. **Maulvi TAMIZUDDIN KHAN:** With reference to the reply given to unstarred question No. 44 on the 20th February, 1928, will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether the examination of the earnings of typists and copyists has been finished;

(*ii*) if so, what are the results of such examination; and

(*iii*) whether any scheme has been framed or is under contemplation, for improving the pay and prospects of typists and copyists?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*) and (*ii*) No. The figures of 1921 and 1926 have been examined. A statement is laid on the table.

(*iii*) Orders have been issued that no new appointments are to be made to fill up vacancies until the standard of remuneration prescribed by the Hon'ble High Court has been reached. The earnings will be increased by a reduction in the staff.

Statement referred to the reply to clauses (i) and (ii) of starred question No. 13, showing the earnings of copyists and typists in 1926 and the number of copyists and typists in 1926 and 1921.

District.	Earning in 1926.	Number of copyists and typists in—	
		1926.	1921.
	Rs.		
Bankura	32 and 49	22 and 3	31 and 3
Birbhum	31 ,, 50	16 ,, 3	20 ,, 3
Burdwan	31 ,, 50	20 ,, 12	27 ,, 13
Hooghly	27 ,, 46	35 ,, 18	35 ,, 19
Midnapore	31 ,, 52	40 ,, 13	51 ,, 15
24-Parganas	34 ,, 53	34 ,, 22	43 ,, 23
Nadia	30 ,, 46	13 ,, 14	18 ,, 14
Murshidabad	33 ,, 53	13 ,, 4	19 ,, 4
Jessore	25 ,, 41	19 ,, 15	36 ,, 4
Khulna	33 ,, 58	29 ,, 6	33 ,, 6
Dacca	38 ,, 67	43 ,, 20	48 ,, 21
Mymensingh	32 ,, 61	65 ,, 22	85 ,, 27
Faridpur	21 ,, 61	31 ,, 12	39 ,, 12
Bakarganj	34 ,, 51	34 ,, 16	43 ,, 19
Rajshahi	36 ,, 56	19 ,, 8	25 ,, 4
Dinajpur	44 ,, 67	9 ,, 7	14 ,, 7
Rangpur	31 ,, 55	26 ,, 10	34 ,, 10
Pabna-Bogra	29 ,, 50	29 ,, 10	30 ,, 10
Chittagong	30 ,, 52	51 ,, 7	56 ,, 7
Noakhali	42 ,, 68	22 ,, 10	32 ,, 11
Tippera	37 ,, 70	35 ,, 16	39 ,, 18

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state how Government propose to reduce the staff?

The Hon'ble Mr. W. D. R. PRENTICE: As appointments fall vacant, they will not be filled up until the proper proportion of typists and copyists has been arrived at.

Maulvi TAMIZUDDIN KHAN: Within what period of time will it reach the prescribed standard?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot say.

Filling up vacancies in the ministerial staff by the District Judge, Dacca.

*14. **Rai Sahib REBATI MOHAN SARKER:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether there is any general principle and procedure to be adopted and observed by the District Judges in the Presidency of Bengal in filling up vacancies in the ministerial staff of the Civil Courts?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the rules?

(*c*) Is it a fact that vacancies occurring in the ministerial staff of the District Judge of Dacca are not notified?

(*d*) Is it a fact that the District Judge of Dacca has of late filled up two vacancies in the ministerial staff, by appointing two non-matriculated candidates in supersession of the claims of more qualified candidates, some of whom were graduates and under-graduates?

(*e*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether there was any applicant, for the said two vacant posts, belonging to the depressed community?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state his qualifications?

(*g*) Will the Hon'ble Member be pleased to state the reason why his case was not taken into consideration, in pursuance of the liberal policy of the Government towards the backward community?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Under section 30, Civil Courts Act, 1887, District Judges have the power to appoint the ministerial officers of their courts and are not subject to the control of the local Government in this matter.

(*b*) Does not arise.

(*c*) No: there were 350 applications for two permanent and two temporary vacancies.

(*d*) No: the appointments were made by the District Judge on the merits of the applicants. Government have no information regarding the educational qualifications of the various candidates.

(*e*) and (*f*) Cannot be ascertained as the applications were returned by the District Judge.

(*g*) All cases were duly considered by the District Judge.

Closing of courts and offices for eclipses.

***15. Srijut NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Member in charge of the Judicial and Political Departments be pleased to state what is the rule as regards closing the courts and offices subordinate to the Government of Bengal on the occasion of a solar or lunar eclipse?

(*b*) Is it in the contemplation of Government to make an order making it obligatory on all heads of offices and courts to close their respective offices and courts on the day of any solar eclipse and the day following a lunar eclipse instead of leaving it to the discretion of such officers?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The High Court, under the power vested in it by section 15 of the Civil Court's Act, 1887, prepares a list of holidays each year to be observed by the civil courts. Holidays on the occasion of either the solar or lunar eclipse are not in this list.

As regards revenue and magisterial courts, the member is referred to rules 246 (*iv*) and 253 of the Practice and Procedure Manual, 1918. Copy of the rules is placed on the table. The High Court has also directed that in addition to notified holidays civil courts shall remain closed on such days as are observed as local holidays in the executive offices.

(*b*) No.

Rules referred to the reply to clause (a) of starred question No. 15.

THE BENGAL PRACTICE AND PROCEDURE MANUAL, 1918.

CHAPTER VI.

Holidays.

246. The holidays given in public offices are divided by the Government of India into four classes:—

(*i*) .....

(*ii*) .....

(*iii*) .....

(*iv*) Local holidays not announced by the local Government, but given at the discretion of the district authorities on the occasion of a local fair or festival or for some other reason.

* * * * *

253. . . . . A statement showing the local holidays allowed in each district in Bengal and included in class (*iv*), will be found in Appendix I to this chapter. The local holidays observed in each district shall be restricted to those shown in column 3 of the

statement and where their number exceeds the prescribed limit of seven whole days in the year, the holiday or holidays shown in column 6 of the appendix shall be given up as a set-off against this excess number. In cases where the number falls short of seven, no addition may be made to the appendix without the express sanction of Government. This will not, however, affect the grant at the discretion of district authorities of holidays on the special occasions of a solar or lunar eclipse, nor will they deprive Muhammadan, Brahmo, Bhutia and Jain officers of the special holiday permissible to them.

APPENDIX I.

(RULE 253.)

Statement showing the local holidays allowed in each district in Bengal.

Division.	District	Name of local holidays	Number of days	Time.	Holidays under the Negotiable Instruments Act to be replaced by the local holidays in excess of seven.
1	2	3	4	5	6
Burdwan	Burdwan	Uttarayan or Makar Sankranti	1	January	
		Sivaratri	1	February or March	
		Holi (or Dhulat following the Dol Jatra).	1	March.	
		Rath Jatra	1	June or July	
		Nandotsab (the day following Janmastami)	1	August or September	
		Bhratridwittiya	1	October or November	
		Kartik Puja	1	November.	
		Total	7		
	Birbhum	Cattle show	1	January or February	
		Kenduli or Joydeb Mela	1	January or February	
		Bakreswar Mela	1	March.	
		Mukhtear's Kali Puja	1	April	
		Karidha and Bhandirban Rath Jatra.	1	June or July	
		Bhratridwittiya	1	October or November.	
		Goshta Ashtami	1	November	
		Total	7		
	Bankura	Bhratridwittiya	1	October or November.	
		Bankura Exhibition	1		
		Total	2		
	Midnapore	Uttarayan Sankranti	1	January	
		Sivaratri	1	February or March.	
		Rath Jatra	1	June or July.	
		Ulta Rath or Punar Jatra	1		
		Bhratridwittiya	1	October or November.	
		Ras Jatra	1	November.	
		Total	6		

Division.	District.	Name of local holidays.	Number of days.	Time.	Holidays under the Negotiable Instruments Act to be replaced by the local holidays in excess of seven.
1	2	3	4	5	6
Burdwan ..	Hooghly ..	Uttarayan Sankranti ..	1	January.	
		Sivaratri	1	February or March.	
		Maha Barunl ..	1	March or April	
		Rath Jatra ..	1	June or July.	
		Punar Jatra ..	1		
		Bhratridwitiya ..	1	October or November.	
		Kartik Puja ..	1		
		Total ..	7		
	Howrah ..	Sivaratri	1	February or March.	
		Holi	1	March.	
		Maha Barunl ..	1	March or April	
		Sriram Nabami ..	1	April.	
		Rath Jatra ..	1	June or July.	
		Bharatridwitiya ..	1	October or November.	
		Ras Jatra .	1	November.	
		Total .	7		
Presidency ..	24-Parganas	Rath Jatra	1	June or July.	
		Punar Jatra ..	1		
		Barunl	1	March or April.	
		Sivaratri . ..	1	February or March	
		Kartik Puja .	1	November.	
		Total .	5		
	Nadia ..	Ras Jatra .. .	1	November.	
		Maghi Purnima	1	January or February.	
		Sivaratri . ..	1	February or March.	
		Baradole .. .	1	March.	
		Rath Jatra ..	1	June or July.	
		Kartik Puja	½	November	
		Total ..	5½		
	Murshidabad	Sivaratri .. .	1	February or March.	
		Metia	1	March	
		Rath Jatra ..	1	June or July.	
		Jhulan	1	July or August.	
		Banjetia Fair ..	1		
		Chehelum ..	1	May	
		Bhratridwitiya ..	1	October or November.	
		Total ..	7		
	Jessore ..	Rath Jatra ..	1	June or July.	
		Sivaratri	1	February or March.	
		Jessore Industrial and Agricultural Exhibition.	2		
		Total ..	4		
	Khulna ..	Coronation Industrial and Agricultural Exhibition at Khulna.	2		
		Sivaratri	1	February or March.	
		Rath Jatra ..	1	June or July.	
		Shab-i-Barat ..	1		
		Total ..	5		

Division.	District.	Name of local holidays.	Number of days.	Time.	Holidays under the Negotiable Instruments Act to be replaced by the local holidays in excess of seven.
1	2	3	4	5	6
Dacca ..	Dacca ..	Sivaratri	1	February or March.	
		Ashtami or Brahmaputra Snan.	1	April.	
		Bengali New Year's Day	1	April.	
		Sashti Puja .	1	June.	
		Total ..	4		
	Mymensingh	Sivaratri	1	February or March.	
		Ashtami or Brahmaputra Snan	1	April.	
		Id-ul-Fitr (extra day) ..	1		
		Id-uz-Zuha (extra day)	1		
		Total .	4		
	Faridpur	Dol Jatra .	1	March.	
		Sivaratri	1	February or March.	
		Bengali New Year's Day	1	April	
		Rath Jatra .	1	June or July	
		Total .	4		
	Bakarganj	Uttarayan or Paus Sankranti	1	January.	
		Sivaratri (the day following)	1	February or March	
		Dol Jatra (extra day) ..	1	March.	
		Bengali New Year's Day	1	April	
		Total	4		
Chittagong .	Chittagong	Sivaratri .	2	February or March.	
		Bengali New Year's Day	1	April.	
		Dol Jatra ..	1	March.	
		Asokastami	1	April	
		Rasu Sabanti	1	Do.	
		Nag Sankranti .	1	August.	
		Total	7		
	Tippera ..	Sivaratri .	1	February or March.	
		Bengali New Year's Day	1	April.	
		Rath Jatra .	1	June or July.	
		Uttarayan ..	1	January	
		Total ..	4		
	Noakhali ..	Sivaratri	2	February or March.	
		Dol Jatra .. .	1	March.	
		Bengali New Year's Day	1	April.	
		Nag Sankranti ..	1	August.	
		Uttarayan ..	1	January.	
		Total ..	6		
	Chittagong Hill Tracts.	Mohamuni Mela .	12	April ..	Days. Sripanchami 1 Jagadhatri Puja. 1 Chait Sankranti. 1 Janmashtami 1 Mahalaya .. 1 Total .. 5

Division.	District.	Name of local holidays.	Number of days.	Time.	Holidays under the Negotiable Instruments Act to be replaced by the local holidays in excess of seven.
1	2	3	4	5	6
Rajshahi ..	Rajshahi ..	Baruni Ganga Snan ..	1	March or April.	
		Sivaratri	1	February or March.	
		Rath Jatra ..	1	June or July.	
		Total ..	3		
	Dinajpur ..	Bhratridwitiya ..	1	October or November.	
		Ras Jatra	1	November.	
		Total ..	2		
	Jalpaiguri ..	Saraswati Puja (extra day).	1	January or February.	
		Dol Jatra (extra day) ..	1	March.	
		Sivaratri	1	February or March.	
		Manasha Puja ..	1	August.	
		Total ..	4		
	Darjeeling ..	Bhratridwitiya ..	1	October or November.	
		Rath Jatra ..	1	June or July.	
		Sivaratri . ..	1	February or March.	
		Id-ul-Fitr (extra day) ..	1		
		Id-uz-Zuha (extra day)	1		
		Akhiri Chahar Shamba	1		
		Shab-i-Barat ..	1		
		Total ..	7		
	Rangpur .	Sivaratri . ..	1	February or March	
		Ashtami or Brahmaputra Snan	1	April	
		Total ..	2		
	Bogra ..	Baruni Ganga Snan ..	1	March or April.	
		Jamiritola Fair ..	1		
		Rath Jatra ..	1	June or July.	
		Total .	3		
	Pabna ..	Ratanti Kalika Puja ..	1	January or February.	
		Rath Jatra ..	1	June or July.	
		Total ..	2		
	Malda ..	Sivaratri . ..	1	February or March.	
		Baruni Ganga Snan .	1	March or April.	
		Ramkali Fair ..	1		
		Coronation Exhibition ..	1		
		Total ..	4		

Srijut NAGENDRA NATH SEN: Will the Hon'ble Member be pleased to state what possible objections Government have in excluding solar or lunar eclipse from the list of holidays?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know what reasons Government had when they framed the rule.

Unstarred Questions

(answers to which were laid on the table).

District and Sessions Judge for Pabna and Bogra.

1. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware of the great difficulties and sufferings undergone by the litigant public of Bogra under the present system of having one District and Sessions Judge for Pabna and Bogra?

(*b*) Is the Hon'ble Member aware of the fact that the public of Bogra have made repeated representations to the Government for the posting of a separate District and Sessions Judge at Bogra?

(*c*) Will the Hon'ble Member be pleased to state for how many days the District Judge was engaged during the years 1926 and 1927 in disposing Bogra works, both civil and criminal?

(*d*) Will the Hon'ble Member be pleased to state for the years 1925, 1926 and 1927 the number of under-trial prisoners committed to the Sessions, whose trials could not be taken up for want of time of the Sessions Judge?

(*e*) How many cases tabled for one session had to stand over the next session for want of time during the years 1925, 1926 and 1927?

(*f*) Will the Hon'ble Member be pleased to state whether it is in the contemplation of the Government to post a separate District and Sessions Judge at Bogra in the near future?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Several petitions representing these difficulties were received.

(*b*) Yes.

(*c*) 1926—139 days for criminal work; 3 days for civil work. 1927—109 days for criminal work; 2 days for civil work.

(*d*) 1925—50; 1926—23; 1927—54.

(*e*) A statement is placed on the table.

(*f*) No.

Statement referred to in the reply to clause (e) of unstarred question No. 1. showing number of cases tabled for one session which had to stand over for the next session for want of time of the Sessions Judge during the years 1925, 1926 and 1927.

1925.	
February Session	2 cases tabled for February Session had to stand over to the next session for want of time of the Sessions Judge.
May Session	4 cases tabled for May Session had to stand over to the next session for want of time of the Sessions Judge.
August Session	10 cases tabled for August Session had to stand over to the next session for want of time of the Sessions Judge.
November Session	7 cases tabled for November Session had to stand over to the next session for want of time of the Sessions Judge.
1926.	
February Session	4 cases tabled for February Session had to stand over to the next session for want of time of the Sessions Judge.
May Session	3 cases tabled for May Session had to stand over to the next session for want of time of the Sessions Judge.
August Session	2 cases tabled for August Session had to stand over to the next session for want of time of the Sessions Judge.
November Session	Nil.
1927.	
February Session	1 case tabled for February Session had to stand over to the next session for want of time of the Sessions Judge.
May Session	4 cases tabled for May Session had to stand over to the next session for want of time of the Sessions Judge.
August Session	8 cases tabled for August Session had to stand over to the next session for want of time of the Sessions Judge.
November Session	6 cases tabled for November Session had to stand over to the next session for want of time of the Sessions Judge.

Cost of construction of the quarters for the Additional Sessions Judge at Bogra.

2. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: Will the Hon'ble Member in charge of the Judicial Department be pleased to state the cost incurred by the Government in constructing the quarters and court buildings for the District Judge at Bogra?

The Hon'ble Mr. W. D. R. PRENTICE: The cost of construction of the quarters for the Additional Sessions Judge at Bogra was Rs. 74,336 (including the cost of land Rs. 14,188) and the cost of the combined court buildings for the Sessions Judge, Subordinate Judge and Additional Munsif, Bogra, was Rs. 1,21,888 (including cost of

Cost of transmission of documents from the district record room at Pabna to Bogra.

3. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state for the years 1925, 1926 and 1927 the amount of money spent in the civil courts at Bogra under the head "cost of calling for documents from the district record room at Pabna"?

(*b*) Will the Hon'ble Member be pleased to state whether it is a fact that records called for from the Pabna record room do not arrive in proper time very often?

(*c*) How many records were called for during the years 1926 and 1927?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The amount of money spent as cost of transmission of documents from the district record room at Pabna to Bogra was Rs. 936, Rs. 819 and Rs. 775 for the years 1925, 1926 and 1927, respectively.

(*b*) No.

(*c*) 1,093 and 1,035 records were called for from the Pabna record room during the years 1926 and 1927, respectively.

Increase of crime in certain areas of Murshidabad.

4. Maharaj Kumar SRIS CHANDRA NANDY: (*a*) Is the Hon'ble Member in charge of the Police Department aware of the increase of crime at Gokarna, Saktipur and Doulatabad in the Murshidabad district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether it is in the contemplation of Government to reconsider the question of re-establishing the police-stations which have been abolished?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Government are aware that there has been an increase of crime in these areas.

(*b*) If crime continues to increase Government will consider whether the establishment of additional police-stations is necessary. Meanwhile Government are carefully watching the situation with a view to taking any action which may be considered necessary to put a stop to criminal activities in these localities.

Medical School at Berhampore.

5. Maharaj Kumar SRIS CHANDRA NANDY: (*a*) Will the Hon'ble Minister in charge of the Department of Local Self-Government be pleased to state whether there is any possibility of the opening of the proposed Medical School at Berhampore in the near future?

(*b*) Will the Hon'ble Minister be pleased to state the reason of the delay that has already occurred in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) So far as can be foreseen at present the school is likely to be opened in July, 1929.

(*b*) The scheme involves certain additions to the local hospital besides those which have already been constructed. The project as a whole cannot be sanctioned until final plans and estimates for these additions have been submitted to Government and approved. Furthermore, there has been delay in realising the local contributions; only a fraction of the amount promised had been paid up so far.

Assistant Sub-Inspectors of the Calcutta Police.

6. Maharaj Kumar SRIS CHANDRA NANDY: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the Assistant Sub-Inspectors of the Calcutta Police will participate in the increment to be given to officers of the Calcutta Police force as stated in the budget speech?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the reasons which have weighed with him in leaving them out?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No.

(*b*) More than sufficient candidates of a suitable type are available for appointment as Assistant Sub-Inspectors on the prevailing scale of pay, and in the present state of the finances of the province Government do not feel justified in recommending any increase. Further, Assistant Sub-Inspectors have good prospects of promotion to higher ranks.

Détenu Srijut Dhirendranath Mukharji.

7. Dr. KUMUD SANKAR RAY: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*a*) the date on which Srijut Dhirendranath Mukharji was arrested;

(*b*) when he was ordered domicile;

(*c*) where he has been domiciled;

(*d*) whether the Government is aware that Rampal is an extremely malarious place;

(*e*) whether the Government is aware that détenus, who were previously interned at Rampal, contracted malaria; and

(*f*) whether the Government is considering the desirability of transferring him to a healthier place?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) 16th August, 1926.

(*b*) November, 1927.

(*c*) First at Khona; then at Udaypur.

(*d*), (*e*) and (*f*) Do not arise.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state where the détenu in question is now residing?

The Hon'ble Mr. W. D. R. PRENTICE: I would ask for fresh notice. I do not know whether he is still in domicile.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state whether Udaipur is a healthy place?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Member, who is a *sub janta* I. C. S. . . ..

Mr. PRESIDENT: Mr. Gupta, I am afraid I cannot allow that question if you put it in that form.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Member say why in answering these questions he appears to know so little.

(No answer was given.)

Détenu Satish Chandra Chakrabarty.

8. Mr. KIRAN SANKAR ROY: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*a*) when Srijut Satish Chandra Chakrabarty of Raruli (district Khulna) was arrested under the operation of Bengal Regulation III of 1818;

(*b*) whether Srijut Chakrabarty is now under the operation of the Bengal Criminal Law Amendment Act of 1925;

(*c*) whether Srijut Chakrabarty has been suffering from filaria;

(*d*) what the Government proposes to do for the medical treatment of Srijut Chakrabarty till he is completely cured of his illness; and

(*e*) whether the Government intends to release him immediately?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) On 13th January, 1924.

(*b*) Yes.

(*c*) He has been suffering from filariasis.

(*d*) As the détenu has expressed a preference for treatment by *kabirajes* to that by Government's medical officers, Government do not propose to take any action.

(*e*) He has already been released subject to the conditions mentioned in section 11(*a*), (*b*) and (*c*) of the Bengal Criminal Law Amendment Act, 1925.

State prisoner Satish Chandra Pakrasi.

9. Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*a*) whether it is a fact that when Srijut Satish Chandra Pakrasi was granted leave for a month to see his sick parents at his native village Madhabdi, district Dacca, police escorts were placed in front of his house to watch the movements of people to and from his home;

(*b*) whether it is a fact that the police escorts, so placed, used to interfere with the movements of ladies to and from the house;

(*c*) whether Srijut Pakrasi remonstrated with the police for this;

(*d*) whether this had something to do with his sudden removal from home back to Dacca jail within a few days of his arrival at home; and

(*e*) if this was not the case, the reason for such behaviour?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Satish Chandra Pakrasi, whilst a State prisoner under Regulation III, was granted leave to see his parents who were ill. No period of leave was fixed. He was accompanied by an escort as is usual under such conditions.

(*b*), (*c*) and (*d*) Answer is in the negative.

(*e*) He was taken back to Dacca after being allowed to remain at home for four days, because while a State prisoner he could not be permitted to remain at his home indefinitely.

Water-scarcity in Murshidabad.

10. Maharaj Kumar SRIS CHANDRA NANDY: (*a*) Is the Hon'ble Minister in charge of the Department of Local Self-Government aware of water-scarcity in the district of Murshidabad?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government is in a position to prepare a scheme and provide money for removing the scarcity permanently?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Government have no special information, but are aware that there is a general scarcity of good drinking water in the rural areas of Bengal.

(*b*) Government are prepared to advance money to district boards for the provision of sources of water-supply and to assist them to meet the loan charges by making a recurring grant of Rs. 2½ lakhs a year. Government's policy in this respect is set forth in Circulars Nos. 103-107 T.P.H. of 28th May, 1928, and Nos. 134-38 T.P.H. of 14th June, 1928 copies of which are laid on the table.

Circulars referred to in the reply to clause (*b*) *of unstarred question No. 10.*

Nos. 103-107 T. P. H., dated Darjeeling, the 28th May, 1928, from the Secretary to the Government of Bengal, to all Commissioners of Divisions.

I am directed to address you on the subject of the improvement of rural water-supply in Bengal by advancing loans to district boards. The adoption of a loan policy for rural water-supply was discussed at a conference of the district board representatives held at the Government House on 3rd December, 1927, at the instance of the Hon'ble Minister in charge of the Local Self-Government Department. There was a consensus of opinion in favour of adopting such a policy, and if the delegates present at the conference correctly voiced the opinion of district boards, it may be assumed that the policy in general will commend itself to the boards. Indeed the conference passed an unanimous resolution accepting the loan policy that was explained to the members of the conference.

2. It is proposed that the present loan will be available only for sources of water-supply which, with due attention to maintenance and repairs, will be more or less of a permanent character. In any case the sources of such supply should last with arrangements for maintenance and repairs for at least 25 to 30 years—the proposed period of the service of the loan not being less than 25 years.

3. During the period of the service of the loan the district boards will have to undertake the following responsibilities:—

(*i*) Punctual payment of the amount that may be fixed as the board's share of the interest and sinking fund—the actual rate to be communicated to the boards later on, after applications from different boards have been received and an approximate idea of the total amount has been ascertained. The boards, however, can proceed on the assumption that their share of the interest and sinking fund on the total loan will not exceed 4·5-6ths per cent. per annum.

(*ii*) The boards must keep each source of supply constructed out of the loan fund in proper repair and maintenance as a wholesome source of water-supply fit for human consumption.

(*iii*) On failure of either of these conditions, Government will reserve to themselves the right in case of (*i*) of deducting the amount defaulted from the augmentation grant of the boards, and in case of (*ii*) of spending the amount necessary to render the source of water-supply fit for human consumption and of deducting the total of such expenditure from the augmentation grant of the board. In case the augmentation grant does not prove sufficient, Government will retain the right of realising the expenditure incurred on either of these two heads from the board.

(*iv*) The boards will also maintain a separate list of sources of water-supply constructed out of the loan fund together with the amount of expenditure incurred on them, so that necessary facilities for inspection and report may exist.

4. As was explained by the Hon'ble Minister in his speech at the district board conference on the 3rd December last, Government will contribute a sum equal to half the amount set apart by the district boards for the service of the loan as their share of the interest and sinking fund so far as is possible within the limits of the regular Government grant of Rs. 2½ lakhs a year. It will be safe to proceed on the basis that the total amount that will be necessary to set apart for interest and sinking fund will not exceed 7¼ per cent. It may perhaps be a little less than the figure mentioned. Out of the 7¼ per cent. the district boards will have to pay not exceeding 4·5-6ths per cent. as their share of the interest and sinking fund charges, and Government will pay not exceeding 2·5-12ths per cent. as their share of the interest and sinking fund charges up to a limit of Rs. 2½ lakhs a year. After applications have been received from the various district boards, the position will be examined further, and it may be

possible that the total amount of interest and sinking fund will be less than 7¼ per cent., and the boards' share will accordingly be less than 4·5-6ths per cent.

5. I am next to indicate, by way of illustration, the classes of sources of water-supply on which the proposed loan money can be spent. It has already been observed that the sources of supply must be more or less of a permanent nature. Sources such as tanks, *pucca* wells, and in some districts *bunds* for damming drinking water reservoirs, opening out of dying rivers, channels and silted up *khals*, to the extent only that they may serve as sources of wholesome drinking water for a reasonable number of people, may be suitable. Other sources of a more or less permanent nature peculiar to local conditions may also be considered. I am also to observe that this loan money will not be available for construction of small tube wells with limited lives and requiring constant attention. Whether a loan policy for a comparatively short period is feasible or not for sources of water-supply through tube wells may have to be considered later, but as these small tube wells obviously cannot have a life of 25 or 30 years the present loan money cannot be utilised for the construction of such tube wells.

6. It is necessary to draw the attention of the district boards to the fact that with the increased sources of water-supply expenditure for the maintenance of such supply will increase. It should also be pointed out that district boards should not use the whole of the money that they ordinarily spend on water-supply for the service of this loan, or for the maintenance charges of new sources of water-supply constructed out of the loan money. The following illustration will perhaps be helpful in explaining the position to the district boards.

Assuming that a particular district board has been spending Rs. 50,000 annually (the average amount for three years spent on original works, see column 98, form 3, of the statement showing the expenditure of district boards in Bengal), it will not be prudent for such district board to set apart more than, say, Rs. 25,000 for the service of the loan, unless of course it can increase its resources in other ways, *i.e.*, by retrenchment or by increase of income.

7. What is immediately wanted of the district boards is that they should submit to Government as early as possible, and not later than the end of June next, a statement showing the amount of loan they require for this year, so that Government may try to arrange about the loan and to pay the amount of loan asked for early in the cold weather. The district boards should prepare a programme of the work which they expect to be able to carry out before the rainy season of 1929. The whole of the yield of this year's loan need not be spent within the current financial year; work left unfinished on 31st March may be completed in 1929-30. It is, however, to be clearly understood

that the district boards will make themselves responsible for the amount of their share of the interest and sinking funds if they apply for the loan, although they may not require the full amount for which they have applied or are unable to spend the whole sum within the period estimated.

8. *Survey of the existing sources of water-supply.*—For the statement that is required by the end of June, a total figure only is required without details; but the district boards should, by the end of August, submit a full programme of work showing—

(*a*) details of the sources to be provided,

(*b*) amount of loan to be drawn during the current year (*i.e.*, a repetition of the figure reported in June),

(*c*) amount of loan to be drawn in the coming year,

(*d*) amount (if any) to be drawn in later years. In circular Nos. 2602-2606 P.H. of 21st November, 1927, you were requested to ask the district boards in your division to have their water-supply maps and registers completed and kept up-to-date. The information contained in these documents should be of material help to the district boards in the framing of their proposals.

9. *Choice of the source of water-supply best suited to each locality.*—It will be for the district boards to consider the kind of sources best suited to local conditions, and they should in this second statement furnish estimates as to the number of tanks or other sources of water-supply that are proposed, together with estimates of their cost.

10. In this second statement they should also set out how much they expect to raise locally and how much they propose to find from the loan money.

11. Government will of course reserve to themselves the right of advising the district boards and of prescribing how the loan money can be best utilised. Government will also retain the right of inspection and of requiring the district boards to survey existing sources of water-supply and to draw up a programme so as to provide the whole of each district with adequate sources of water-supply within a definite period.

12. After the amount of the loan and the terms of repayment have been settled, it will be necessary to discuss and to come to a decision on various questions affecting the solution of this important problem. I am, however, at this preliminary stage, to call the attention of district boards to the importance of securing adequate local contributions, wherever possible, to supplement their loan funds. It is expected that the aggregate local contribution should not be less

than one-third of the total expenditure. This does not mean that a local contribution of exactly one-third of the cost is expected for each particular scheme. Well-to-do communities should be expected to provide more, while for some places a contribution of even less than one-third will be permissible. There are two other points which I would mention at this stage, namely, that wherever a tank or well is provided out of this loan money, some arrangement should be made either with a local authority or one or more persons of influence in the locality who will undertake to do their best to keep the source of water-supply in a wholesome condition. The next point is that wherever the source of water-supply is such that fish can be reared, fish should be reared in such source and the estimated income from the sale of fish should be taken into consideration.

13. Government are at the present moment engaged in coming to a decision as to their future policy for the application of the loan money, and it is to be clearly understood that the district boards will be bound by the policy that Government propose to lay down in future. It may, however, be noted that before coming to a final decision about the policy for the application of the loan money, Government propose to consult the representatives of the district boards.

Nos. 134-38 T. P. H., dated Darjeeling, the 14th June, 1928, from the Secretary to the Government of Bengal, to all Commissioners of Divisions.

I am directed to address you on the subject of making loans to union boards to enable them to execute works of improvement, such as are mentioned in sections 30 and 31 of the Village Self-Government Act, of a more or less permanent nature. When, for instance, a new road is opened, the benefit conferred on people who use the road is not confined to the year of construction only, and the whole cost of the work should not fall on the yield of a single year's union rate. If the union boards can borrow money at need their sphere of usefulness will be extended and they will be able to carry out more extensive works of improvement than if they had to finance all their undertakings from current income.

2. If union boards are to borrow, the obvious source from which loans should be taken is the district fund. For more than one reason Government could not agree to lend money direct to union boards from provincial funds. The number of union boards in Bengal already runs into thousands, and it is impracticable for Government to act as banker to a vast number of local authorities, especially as in the event of default Government have no means of realising arrears except by instructing the Commissioner to take the drastic step of removing the president or superseding the union board under section

56 of the Village Self-Government Act. Loans should accordingly be taken from the district board as the chief local authority in the district charged with control in financial and other matters over minor rural self-governing bodies. District boards have powers which enable them to enforce compliance with the terms on which loans are granted and can, if necessary, apply pressure by withholding grants payable under section 45 of the Act.

3. At the same time the fact that as a rule the balance at a district board's disposal is not sufficient to allow of advances to union boards on any large scale cannot be overlooked. Government (Ministry of Local Self-Government) are therefore prepared, so far as the state of their own balances and of their borrowing capacity permits, to adopt a policy of lending money to district boards in order that they in turn may grant loans to union boards. It has hitherto been supposed that such a policy would be contrary to the provisions of section 3 of the Local Authorities' Loans Act (Act IX of 1914), but Government are now advised that there is no legal bar to such a procedure. I am, therefore, to say that Government are willing to consider applications for loans from district boards who are prepared to lend out the sums so borrowed to union boards for suitable projects of village improvements, and district boards in your division may be informed accordingly.

4. I am to point out that the district boards will be wholly responsible for the punctual payment of interest and sinking fund charges on such loans, and default by union boards will not exempt a district board from payment of the full amount due to Government on the proper date. To safeguard themselves, therefore, district boards will be well advised not to entertain applications for loans from union boards unless the following conditions are observed:—

(*a*) The scheme for the execution of which a loan is required should be one which can be undertaken under the Village Self-Government Act and which will be of real and lasting benefit to the inhabitants of the union concerned.

(*b*) The period of repayment should not exceed the effective life of the work to be executed.

(*c*) The union board to which a loan is granted must have settled down and gained the confidence of the rate-payers by some solid achievement and must show signs of comparative stability; the possibility that when a board is reconstituted the new members may repudiate the action of their predecessors must be foreseen and guarded against.

(*d*) Ordinarily the loan should not be so large that after meeting interest and repayment charges the surplus yield of the union rate under section 37(*b*) will be nil or a very small

amount. This point is of particular importance when the proposed scheme is one that will benefit a certain proportion of the residents only.

(*e*) In order that there should be some guarantee of punctual repayment without resorting to any drastic step such as supersession, the sum lent to a particular union board should not ordinarily be so large that the annual equated payments exceed the normal amount of grant-in-aid which the district board is prepared to make to that union board under section 45 of the Village Self-Government Act.

I am to add that the rate of interest to be charged to union boards must not exceed the rate payable to Government on loans taken for the purpose described in this letter.

5. I am in this connection to refer to circular Nos. 103-07 T. P.H., dated the 28th May, 1928, relating to a loan policy for rural water-supply. The loans taken by district boards in pursuance of that policy should, when supplemented by local contributions, go a considerable way towards providing sources of good water-supply in rural areas. Much will, however, remain to be done before every village in Bengal is supplied with a really satisfactory system of water-supply. It is desirable, therefore, that the amount spent by district boards in the terms of that circular should be supplemented by loans granted to union boards for the same object. Other kinds of projects which may suitably be financed by union boards out of borrowed money, are the construction of roads and bridges and of small irrigation works and the excavation of drainage channels.

6. I am now to request you to bring the contents of this letter to the notice of the district boards in your division. They may be invited to decide after considering applications from union boards for what schemes they are willing to grant loans, and to report their requirements to Government in due course in the prescribed form for loan applications, through the usual channel, with details of the projects in question. Loan applications for the purposes of the budget of the year 1929-30 can be considered only if they reach Government not later than the 15th August, 1928.

Trial of sessions cases.

11. Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) the number of sessions cases tried in each district in Bengal during the years 1926 and 1927, in which the accused persons were Muhammadans and the party aggrieved Hindus;

(*ii*) the respective numbers of Hindu, Muhammadan and Christian jurors who were selected for trying those cases;

(*iii*) the verdict of the jury in each of these cases; and

(*iv*) how, if at all, the verdict was divided, *i.e.*, how many gave their opinion as " guilty " and how many as " not guilty "?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*), (*ii*), (*iii*) and (*iv*) The information asked for cannot be supplied without the compilation of special statistics by each sessions court involving an expenditure of labour and time which Government do not consider would be justified.

Détenus and State prisoners in Yervada Jail, Bombay.

12. Mr. KIRAN SANKAR ROY: (*a*) Has the attention of the Hon'ble Member in charge of the Political Department been drawn to the attitude of the authorities in the Yervada Jail in the Bombay Presidency refusing to address the détenus and State prisoners with " Mr." or " Srijut " before their names?

(*b*) Do the Government propose to issue instructions to properly address the détenus and State prisoners under restraint?

(*c*) Has the attention of the Government been drawn to the fact that Srijut Satish Chandra Pakrasi was abused and pushed by the Superintendent of the Yervada Jail?

(*d*) If so, what steps, if any, have been taken in the matter?

(*e*) Will the Hon'ble Member be pleased to state the reason why Srijut Subhas Chandra Bose, M.L.C., was not permitted to see détenu Srijut Surendra Mohan Ghose at the Yervada Central Prisons, Poona?

(*f*) Is it a fact that Mr. Bose obtained permission of the Deputy Inspector-General, Intelligence Branch, Criminal Investigation Department, Bengal, for the said purpose?

(*g*) Will the Hon'ble Member be pleased to lay on the table the correspondence that passed between Governments of Bombay and Bengal about this interview?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) No.

(*c*) No.

(*d*) Does not arise.

(*e*) Government are not prepared to state the reasons.

(*f*) Yes.

(*g*) No. The correspondence is confidential.

Remarks against certain police officers by the Additional Sessions Judge, Alipore, in the Criminal Appeal preferred by Panchanan Banerjee and another.

13. Maharaj Kumar SRIS CHANDRA NANDY: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether his attention has been drawn to the judgment delivered by Mr. T. B. Jameson, I.C.S., Additional Sessions Judge, Alipore, in the criminal appeal preferred by Panchanan Banerjee and Shib Nath Bhattacharji, dated the 6th February last?

(*b*) If so, what steps, if any, have been taken in connection with the remarks of the Judge against the Deputy Commissioner of Police and the Thana Officer of Tollygunge?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) The matter is under the consideration of Government.

Babu AKHIL CHANDRA DUTTA: Will the Hon'ble Member be pleased to state whether any steps will be taken before the officers concerned are allowed to retire with full pension?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know when they are due to retire but I may remind the hon'ble member that the High Court has refused to sanction their prosecution for perjury. I cannot say whether they are going to retire.

Babu AKHIL CHANDRA DUTTA: My question is this: whether any steps will be taken within a reasonable period of time?

The Hon'ble Mr. W. D. R. PRENTICE: Yes.

Détenu Srijut Narendra Nath Sen.

14. Mr. JOGESH CHANDRA GUPTA: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) when Srijut Narendra Nath Sen was arrested;

(*ii*) when he was removed to Burma; and

(*iii*) the present condition of his health?

(*b*) Is it a fact that Srijut Narendra Nath Sen has been suffering from nervous breakdown?

(*c*) Is it a fact that Srijut Narendra Nath Sen has been suffering from brain complaint?

(*d*) Is it a fact that confinement in jail is injurious to Srijut Narendra Nath Sen under the present condition of his health?

(*e*) Have the Government considered the desirability of his release under the present condition of his health?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) September 19th, 1925.

(*ii*) June 4th, 1926.

(*iii*) He was last medically examined on June 24th, 1928, and his health was found to be good.

(*b*) No.

(*c*) No.

(*d*) He is not in jail but in village domicile.

(*e*) Does not arise.

Détenu late Srijut Anurup Sen.

15. Babu SURENDRA NATH BISWAS: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*a*) the date on which Srijut Anurup Sen was arrested;

(*b*) the condition of his health when he was arrested;

(*c*) names of the places where he was detained;

(*d*) whether and when he had contracted malaria;

(*e*) if so, what the Government did for the treatment of Srijut Anurup Sen when he was detained in Bengal;

(*f*) the condition of his health when he was externed from Bengal;

(*g*) the steps taken by the Government for the treatment of Srijut Anurup Sen at Benares;

(*h*) whether the Government are aware that Anurup Babu had to go to a charitable institution for maintenance; and

(*i*) whether the Government are aware that Srijut Sen had met his death in a charitable institution for want of money and of help.

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) 19th December, 1926.

(*b*) and (*d*) So far as Government are aware, the state of his health at the time of his arrest was satisfactory, but on the 1st March, 1927, he stated that he had been suffering from malaria for a long time, from before his arrest.

(*c*) Alipore Central Jail for two months and Maynaguri, district Jalpaiguri.

(*e*) He received treatment in Alipore Central Jail. He was also examined and treated by the Civil Surgeon in Jalpaiguri hospital and at Maynaguri by the medical officer in charge and by the Civil Surgeon, Jalpaiguri.

(*f*) His condition was reported to be satisfactory except for a slight return of dysenteric symptoms.

(*g*) He was visited by the Civil Surgeon of Benares, whose fees and the cost of necessary medicines were borne by this Government.

(*h*) No.

(*i*) Government are aware that he died at the Ram Krishna House of Service at Benares, but have no information that he was in want of money and of help. The détenu was given an allowance of Rs. 60 per month and his sister who went to nurse him an allowance of Rs. 10 per month.

Babu SURENDRA NATH BISWAS: When was the order passed?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot say.

Babu SURENDRA NATH BISWAS: When was the détenu first visited by the Civil Surgeon?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot give you the date.

Babu SURENDRA NATH BISWAS: How many times he was visited by the Civil Surgeon?

The Hon'ble Mr. W. D. R. PRENTICE: I do not remember. But if the hon'ble member cares to come round to my office I will show the papers to him.

Babu SURENDRA NATH BISWAS: Is it a fact that he was removed to the Ram Krishna Mission Home for want of proper treatment?

The Hon'ble Mr. W. D. R. PRENTICE: No, as far as I know.

Babu SURENDRA NATH BISWAS: What was the immediate cause of his death?

(The Hon'ble Member's answer was not heard at the Reporters' table.)

Rivers Chandana and Upper Coomar in Faridpur.

16. Maulvi TAMIZUDDIN KHAN: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether any decision has been arrived at on the question of improving the condition of the rivers "Chandana" and "Upper Coomar" in the district of Faridpur?

(*b*) If so, what is the decision?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) and (*b*) Not yet. The survey has been completed, and the report of the local officers is awaited.

Babu SURENDRA NATH BISWAS: When was the survey of the Coomar completed?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: About a year ago.

Babu SURENDRA NATH BISWAS: When was the river Chandana surveyed?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I must ask for fresh notice.

Dr. KUMUD SANKAR RAY: In answer to a question asked by me a few months ago I was told that the survey was being made. I take it that the survey has been completed within the last week.

Mr. PRESIDENT: Dr. Ray will you put it in the form of a question?

Dr. KUMUD SANKAR RAY: Since how long the survey has been completed?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I cannot say.

Dr. KUMUD SANKAR RAY: Were the local officers consulted regarding the survey?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I must ask for fresh notice.

Babu SURENDRA NATH BISWAS: How does the Hon'ble Member say that the survey has been completed? What is the source of his information?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: The report from the Chief Engineer.

Rai HARENDRANATH CHAUDHURI: Is it a fact that the report was completed a year ago but that it has not been submitted to the Government of Bengal?

(No answer was given.)

4 p.m.

Rai HARENDRANATH CHAUDHURI: Am I not entitled to a reply?

Mr. PRESIDENT: I take it that the Hon'ble Member does not feel inclined to reply.

Détenu Srijut Jatindranath Das.

17. Dr. KUMUD SANKAR RAY: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the attention of the Government has been drawn to the fact that détenu Srijut Jatindranath Das, now confined in Mianwali Jail, Punjab, is in a very bad state of health due to the extreme heat of the place?

(*b*) Is it a fact that he has been confined to a small cell and is not permitted to move freely even in the jail compound?

(*c*) Is the Hon'ble Member aware that the manner of the preparation of food at Mianwali is not at all congenial to the Bengali taste?

(*d*) Is it not a fact that détenus in Bengal jails have mostly been sent out of jails?

(*e*) Do the Government intend to bring Srijut Jatindranath Das back to Bengal?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The reports received do not show that the détenu is in a bad state of health.

(*b*) No.

(*c*) No: a Bengali cook was sent to Mianwali to prepare the détenus' meals.

(*d*) Yes.

(*e*) It is under consideration.

Mr. SUBHAS CHANDRA BOSE: With reference to (*a*) has the Medical Officer of the Mianwali Jail reported the health of the détenu to be satisfactory?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot tell you the actual words used, but the Medical Officer's reports do not show that the détenu was in a bad state of health.

Mr. SUBHAS CHANDRA BOSE: During the last three months has not the détenu suffered in health?

The Hon'ble Mr. W. D. R. PRENTICE: Not so far as I know.

Mr. SUBHAS CHANDRA BOSE: With reference to (*b*) was the détenu confined in a cell by himself or in a room along with other détenus?

The Hon'ble Mr. W. D. R. PRENTICE: So far as I recollect there were two of them in one room.

Détenu Srijut Jiban Lal Chaterjee.

18. Mr. KIRAN SANKAR ROY: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*a*) whether the Government is aware that Srijut Jiban Lal Chaterjee, externee State prisoner, is still suffering from haemoptysis and rise of temperature at Almorah;

(*b*) whether the Government is aware that owing to the illness of almost all the family members of Jiban Babu, he is not getting the much needed complete rest prescribed by doctors;

(*c*) whether the Government is aware of the fact that owing to enormous medical expenses Jiban Babu has to curtail some of his diet expenses at the risk of his life; and

(*d*) whether the Government is considering the desirability of enhancing the allowances of Jiban Babu or of removing his family to his house as early as possible inasmuch as the health of the members of his family is gradually breaking down at Almorah?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Babu Jiban Lal Chaterjee is not now an externee State prisoner. He has been released subject to the conditions specified in section 11 (*1*) (*a*), (*b*) and (*c*) of

the Bengal Criminal Law Amendment Act. He is reported to be suffering from phthisis.

(*b*) No.

(*c*) No.

(*d*) In March, 1928, Babu Jiban Lal Chaterjee was asked to show in what respect his present allowance was inadequate, but he has never replied to this letter. Recently a lump sum was granted to meet the cost of the medical treatment of some of the members of his family, and the question of their removal from Almorah will be considered as soon as Babu Jiban Lal Chaterjee replies to the letter sent to him in March, 1928.

Point of order.

Babu JITENDRALAL BANNERJEE: On a point of order. May I put a question to you as regards the motion of amendment of which I gave notice but which was disallowed by you?

Mr. PRESIDENT: Do you rise on a point of order?

Babu JITENDRALAL BANNERJEE: What I want to know is whether I can put a question to you at all.

Mr. PRESIDENT: I do not quite understand what you mean.

Babu JITENDRALAL BANNERJEE: One of my motions for amendment was disallowed by you. I submit that it has been disallowed on insufficient and wrong grounds. May I draw your attention to that?

Mr. PRESIDENT: Well, I think you are making an attempt to criticise my decision. You are not permitted to do that.

Babu JITENDRALAL BANNERJEE: I am not giving any opinion whatever. I submit a point for your consideration.

Mr. PRESIDENT: If I understood you all right, you were really criticising my decision on that point, you ought to know your limitations.

Babu JITENDRALAL BANNERJEE: I know my limitations perfectly well but it seems to me that that decision was wrong and therefore I am justified in placing before this House that decision now.

Mr. PRESIDENT: You can only rise on a point of order without making any comments on my ruling.

Babu JITENDRALAL BANNERJEE: I do not make any comments. My motion ran thus:

"This Council recommends that the appointment of a committee of the Legislative Council to assist the Statutory Commission be postponed till after the Government have placed before this Council the memorandum which they have prepared (or may hereafter prepare) for submission before the Commission with reference to the question of further constitutional reforms for India in order that the Council may express its opinion upon the same."

This amendment was disallowed by you on the ground that it was not within the scope of the resolution but may I point out that my motion of amendment practically amounts to a motion for postponement not sine die but postponement till after certain contingencies and I submit that motion for postponement is always in order. You have allowed such motions in this Council. My motion is practically a motion of postponement till after certain things happened, till Government have submitted that memorandum to the House and till this House has got an opportunity of considering it. Will you please tell me what is wrong in this amendment.

Mr. PRESIDENT: You raised the question of a memorandum which was not within the scope of the resolution.

Babu JITENDRALAL BANNERJEE: I do not raise the question of memorandum at all; I simply stated that the consideration of the particular question raised by the Hon'ble Nawab Bahadur be postponed till after the Government did certain things.

Mr. PRESIDENT: In my opinion your amendment had also the effect of a negative vote and so was not within the scope of section 42 of the Bengal Legislative Council Rules and Standing Orders. There need be no further discussion on this matter, although you may differ with me.

Babu JITENDRALAL BANNERJEE: But I beg to submit that perfectly analogous amendments have been allowed by the President.

Mr. PRESIDENT: But your amendment was not in order.

Resolutions

(on matters of general public interest).

Appointment of a Committee to assist the Statutory Commission.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Mr. President, Sir, I rise to move that this Council recommends to the Government that steps be taken to give effect to the proposal of the Statutory Commission that a Committee of the Legislative Council be appointed to assist the Commission.

It is obvious, Sir, that this resolution deals with a matter of the greatest importance, and one that has aroused much controversy in Bengal and elsewhere in India. I propose to state as briefly as I can why this resolution has been placed before the Council, and why the Government of Bengal ask the Council to accept it.

As we all know, the Commission has been appointed by His Majesty the King-Emperor with the concurrence of both Houses of Parliament under section 84A of the Government of India Act, the Act under which this Council is also constituted. The Commission has been appointed for the purpose of enquiring into the working of the system of Government, the growth of education and the development of representative institutions in British India and matters connected therewith, and is to report as to whether, and to what extent, it is desirable to establish the principle of responsible government or to extend, modify or restrict the degree of responsible government now existing.

I do not propose, Sir, to discuss to-day the controversy regarding the composition of the Commission, beyond saying that whilst I share the regret expressed by very many of my countrymen, both in Bengal and elsewhere, that the Indian element was not included in the Commission, at the same time I recognise that there were great practical difficulties in selecting and including Indians who would have fairly represented the many races and communities in this great Continent. It is obvious, Sir, that Sir John Simon and the other members of the Commission have felt that in order to discharge the great task that has been laid upon them, it is essential that they should secure the help and co-operation of Indians, and in particular, of those representative Indians who are to be found in the Legislative Assembly and in the Legislative Councils. It is due to that desire for our co-operation that we are to-day asked to agree to the appointment of a committee of this Council.

The task which the Commission has to perform is to examine the evidence and the facts which are placed before it, to elicit what further information it may consider necessary, to report the result of its

enquiries, and to advise the Houses of Parliament on the question of the development of responsible government in India. In the performance of that task the Commission have asked Indians to join them on free and equal terms. In Sir John Simon's letter of the 6th February the Commission suggested that the two Houses of the Central legislature should be invited to choose from their non-official members a joint committee, which might conveniently be 7 in number, and that each local Legislative Council should be asked to constitute a similar body. These committees were to form with the Commission a joint free conference, and in dealing with central subjects, the conference was to consist of the Commission and the central committee, whilst in the provinces it would be joined by the committees of the Legislative Councils. Since that letter was written the Commission have made more clear the functions which the provincial committees will perform. In the letter of the 28th March it was stated that if at the end of the sittings of the joint conference in any province, the provincial committee wished to express its own view in a report, the Commission will give this report full consideration as one of the documents before them, and will include it among the papers which will be printed and presented to Parliament. I would impress upon the Council what this means that on the important questions which will come before Parliament when it receives the report of the Commission, the report of our committee will also be taken into consideration. The Council will decide on one of the amendments which are to be considered to-day, whether that report shall have the previous approval of this House. The Commission have also made it clear that our committee will have equal rights with its own members in conducting the inquiry. In reply to the resolution of the committee appointed by the Punjab Council it has been announced that the Commission has decided that in the matter of examination of witnesses and access to documents, the Commission will treat each Indian committee within whose scope the matter in question falls, on equal terms with itself. I venture to think, Sir, that by this decision regarding procedure the Commission has shown not only its strong desire to secure the co-operation of the Legislative Councils, but has also proved the friendliness of the feeling which animates both its own members and the members of the Parliament which has entrusted it with its task. The way in which that task is fulfilled is a matter of vital interest to all the peoples of India. It is needless for me to dwell at length on the importance of seeing that a full and fair statement of facts, and a correct representation of the views and feelings of the people in all parts of India, should be placed before Parliament; but I would briefly refer to one matter which is of peculiar importance to Bengal.

For the past 7 years Bengal has suffered from the unfair financial settlement known as the Meston Award. In every department of Government and in every branch of public work, that financial settlement has made substantial progress impossible. Before the Reforms

were introduced the joint Parliamentary committee recognised the peculiar disabilities imposed on Bengal by this settlement and recommended the case of Bengal to the special consideration of the Government of India. In spite of that recommendation, our continued protests and appeals have been unavailing. But at last our opportunity has come. The Commission will examine the operation of the Meston Award, and our committee will have an unrivalled opportunity of presenting and enforcing our claims. Let us not forget that a revision of the financial settlement is likely to meet with opposition from other quarters. We must be prepared to meet that opposition, and there is no better way of doing it than by sending to work with the Commission the best representatives we can select. If there were no other reason, I would still commend my resolution to this House for this reason alone. Whatever the constitution may be, Bengal cannot advance as long as the financial starvation imposed by the Meston Award is allowed to persist. In asking us to appoint a committee, the Commission have given us a great opportunity, and I confidently ask the Council not to reject it.

4-15 p.m.

It may save the time of the Council if I indicate briefly the attitude which Government proposes to take towards the amendments which appear on the list of business. To those amendments which ask that the consideration of the resolution be postponed, Government are strongly opposed. If our committee is to take an effective share in the work of the Commission, it is obvious that its appointment should no longer be delayed.

There are two amendments which propose the substitution of some other phrase for the phrase in my resolution that the committee be appointed to assist the Commission. I may say at once that if the Council prefer either the phrase suggested by Mr. Fazl-ul Huq or by Maulvi Abdul Karim, I am willing to accept either.

There are other amendments which propose that instructions of various kinds be given to the committee. To these amendments Government are opposed. It is in their opinion undesirable that the members of the committee whom the Council may select to work with the Commission in the task of examining the evidence and ascertaining the facts, should be hampered by instructions which would prejudge the issues. I would suggest to the members who wish to commit the Council to the expression of opinions on the important problems raised in their amendments, that they should endeavour to do this by submitting resolutions in an ordinary session of the Council. If it is the desire of the Council that such matters should be considered by it, Government will endeavour to provide the necessary facilities.

There are other amendments which propose that the committee should submit a report to the Council. On this, the attitude of the Government will be that if the Council desires that its committee shall prepare a report and submit it to the Council before it goes to the Commission, the Council are clearly entitled to give instructions to this effect to the committee. Government therefore will not oppose such amendments, although they recognise that if the Council proposes to examine the report and express opinions about it before it is submitted to the Commission, the Council will be setting itself a very difficult task.

I have already shown that the members of our committee will enjoy equal rights with the members of the Commission in the matter of the examination of witnesses and access to documents. The amendments which refer to that matter ask for a right which is already assured.

To the amendment proposed by Mr. Suhrawardy that the committee be instructed not to begin its labours of assisting the Statutory Commission until the local Government publish the memorandum prepared by it, and this Council gets an opportunity of expressing its views on it, Government are opposed. It is the duty of Government to submit its memorandum to the Commission. It is for the Commission to say whether that memorandum shall be published. I may, however, remind the Council that the Commission have already directed the sending of the material affecting the Punjab, to the Punjab Committee, and it may be presumed that they will follow the same course in dealing with material received from Bengal.

In conclusion I would like to quote to the Council the words of His Excellency the Governor this morning when he was laying the foundation stone of the new Council chamber:—

"The Commission," he said, "appointed for the purpose of advising Parliament upon the future Government of India will start their work in India in the course of a few months. It must be admitted that they have already given marked evidence of their desire to meet fairly the wishes of moderate Indian opinion by their request for co-operation of a committee of equal numbers upon equal terms from the Indian Legislatures and also from the Provincial Councils. They have invited these Provincial Committees not only to hear the evidence but also to study all documentary materials put up by or through the Local Governments, with a view to enabling them to guide the Commission aright towards a fair and impartial judgment.

I have every confidence that Bengal will rise to her responsibility and accept the opportunity so offered."

I commend the resolution to the acceptance of the House.

Babu NALINIRANJAN SARKER: I beg to move, by way of amendment, that the consideration of the resolution be postponed sine die.

Sir, though in order to accommodate myself to the restrictions of the present Standing Orders, I have been obliged to bring in a motion for postponement sine die—I should make it clear that our attitude to the Commission remains what it has always been. On this side of the House we are determined that we shall have nothing to do with the Commission at any stage or in any form. The reason is that we are thoroughly convinced that this involves our being subjected to an examination in regard to our fitness for self-government. We refuse to be a party to the infliction of such a humiliation. This country must have the preponderating voice in the determination of its own constitution and in the absence of any scheme having that effect, our co-operation is outside the pale of serious consideration.

I do not propose to go into the details of our arguments which have already, in many a memorandum and many a speech from many a leader, been advanced with great force and unshakable logic. Before we estimate the usefulness of assisting the Commission in order to acquire more political powers for us, if we try to gauge the effect of Indian autonomy on British vested interests, then it will become clear that it is idle to expect that a British Commission would of their own accord yield to us powers substantial enough to satisfy our real wants. Under the existing order of things Government in India is the principal means by which the British acquire, retain and extend their interests in this country. The plain and simple question, therefore, at once arises: What will be the repercussion of Indian freedom on the fortunes of British industry and commerce?

The answer is equally simple and obvious. The conflict of interests at present between the two countries is so marked that what is to the economic interest of India is to the detriment of Britain. Even the half-hearted measures inaugurated with a view to regulate the purchase of stores from India—instead of from the India Office—have already produced an adverse effect on the export trade of England. India as a dependency is the chief prop of British Industry. India supplies the raw materials for British factories and absorbs the manufactured articles which are pushed into the markets here by the combined effect of custom tariffs, railway rates, sea freights and abuse of patronage. Whenever British trade is under a cloud, conditions in India can be so manipulated as to facilitate a free outflow of goods from Britain. If unemployment figures are rising in England, the Government in India have to scour the whole country for "orders" big or small. The Grand Trunk Canal, Bally Bridge, Howrah Bridge, King George's Dock,—what need is there to detail the list of "orders" whose sole utility is the relief of unemployment at "Home?" The wagon

scandal, which accounted for a railway expansion of Rs. 150 crores, the benefits of which were solemnly pledged to an Indian industry and most unjustly given away to British firms, is the most notorious example of such a policy. Then again, British finance gains not a little from the subjection of the Indian continent. Currency and credit are not only unorganised but positively disorganised by forces working in the interests of British finance. The Secretary of State swoops down like a hawk on Indian resources, whenever there is need or opportunity, and carries off his prey. As an example, we have only to remember the succulent fare which the Reverse Councils supplied to the London magnates. London, which claims to be the world's financial centre, is important mainly because India's financial resources have made it so. The advantages to the Britishers settled within the country are no less remarkable. In trade and industry, in the services and the professions he has always the vantage and can rely upon the support of Government whenever his interests are on the wane or are threatened by any attempt of the people of the country to raise their heads.

These are not isolated instances which can be explained away as accidental mistakes or extenuated as errors of judgment. I have not the slightest doubt in my mind that it is all a case of a deliberate policy of utilising the domination of India for the exploitation of the financial, commercial and industrial possibilities of this country to the maximum extent possible. We shall indeed be mad men to believe that England can willingly or even gracefully yield a position of such far-reaching and vital advantages or that any Britisher can have the courage to propose any such scheme of self-denial simply to win over our co-operation with its commission!

It has been said by a prominent ex-officio loyalist who has had his advance payment in the shape of Knighthood and expects to get further bureaucratic recognition, that so long as their material and fundamental objects of trade and commerce are secured, no nation "would be inclined to shoulder the additional burden or incur the unnecessary worry of the governance of a country simply for the fun of governing it." Precisely so. Our point of view could not have been phrased better. England *has* secured "these very material and fundamental objects;" but the governance of the country in the interest or otherwise of the governed is neither an "unnecessary worry" nor an additional burden shouldered gratuitiously. Not only is this governance in itself a paying proposition but the edifice of economic domination is to-day resting on the foundations of this governance. Sir, it has been said and repeated ad nauseum that Britain has given freedom to her colonies; and that ergo there is nothing to prevent her from extending that freedom to India. In the first place, it is wrong to assume that because bloody wars were not fought in all cases,

Britain was ever eager or ready to give freedom to her colonies. Never has any concession of freedom been made in the absence of effective pressure on the part of the colonies; but even apart from that, there is no point in comparing our position with that of the colonies. They were at least united by ties of blood and could always rattle the sword. Even the handful of British settlers in Kenya did that three or four years ago.

Then what is the motive behind these inquiries—behind the activities of this Commission? These inquiries are intended to publish abroad sundry defects in our education, communal relations and such other matters—defects for which I say and we all say, British rule is mainly responsible, and for which no British official if he is honest can disavow responsibility.

I repeat the British have shrewdly hit on this Commission or Inquiry system as a means of advertising to the world at large these our shortcomings real or otherwise in the hope that they can thereby prolong their economic sovereignty without allowing it to look like political tyranny. Mr. Saklatwala has exposed this hypocrisy in words which should ring in the ear of every true Britisher: "You make a ludicrous picture of the Indian people, you try to make a virtuous picture of your-self and you know that both are untrue."

Were Great Britain sincere in her professions she would have openly recognised what she knows to be true in her heart of hearts, that what is wanted is not a judgment on one by the other, or a fresh investigation but a workable settlement between the two great peoples. And the only method of arriving at this is to bring about, as Colonel Wedgwood put it, "a settlement by the people who could deliver the goods by plenipotentiaries who would deal as equals round a table." I say it is a mutual settlement which is wanted. For I warn Britain that we have come to the parting of the ways. We want freedom inspite of all our shortcomings and we would have it to-day if we had the material resources at our disposal. The standard of revolt which our leader Deshbandhu Chittaranjan Das raised has not been lowered. The spirit of war is abroad and if you want that this should disappear you should adopt the means of diplomacy based on principles of natural justice not hampered by pettifogging constitutionalism. This represents the real feeling of the country. That is what members on this side of the House have always demanded, and can now point to a definite precedent in the settlement of the Irish question. Such a Round Table Conference in Downing Street with Michael Collins and Lord Birkenhead and other Irish and British leaders finally settled a matter which generations of British statesmen and Irish leaders were not able to settle for ages.

4-30 p.m.

There is one other interesting feature of the Irish settlement, the significance of which will be obvious to you. Sir John Simon, who is to-day the chief exponent of the new-fangled ideas of "sovereign authority" and "trusteeship of the Parliament" applauded from his seat in the House of Commons in November, 1922, the newly framed Irish constitution. He applauded it, Sir, not as his present views and capacity would imply, because the Parliament had a hand in it but expressly because Parliament had *no* hand in it, and more especially because it was the creation of the Irish people themselves.

But now Sir John is playing a different role. Instead of the enthusiastic Liberal applauding the action of Government in according freedom to a subject country he has become the chief instrument for perpetuating a diametrically opposite policy. He invokes with equal vehemence that same Parliamentary initiative and control which he vehemently denounced in 1922. He now refuses that same popular right to determine the form of government which he then considered to be the essence of any constitution. Never has there been such a fall as Sir John Simon's.

In defence of this attitude the British now take their stand on the Preamble to the Government of India Act and the theory of Parliament's trusteeship of the dumb millions of this country. That is a preamble Sir, which the Congress has never accepted. This authority of the Parliament has been claimed on moral as well as on legal grounds. One can have no feeling other than sheer disgust when England affects this moral pose. I go further and say that every honest and scrupulous Britisher who attempts to speak of England having safeguarded the country in any disinterested way must feel the lie sticking in his throat. This moral responsibility, Sir, is the most insincere shibboleth ever recorded in the history of nations. To come to the question of legal right, is there any insuperable difficulty in Parliament ratifying a constitution which has been designed by the Indian people? For our part we have always stood for an adjustment of interests between England and India and have also evinced our readiness to discuss the matter as man to man and had hoped that sooner or later it would be possible to arrive at an acceptable settlement. But those hopes have been belied, for England is not swayed even by consideration of that enlightened self-interest which, as Sir Basil gave out, makes in the long run for better understanding and better co-operation between the peoples of the world; she is, on the other hand, obsessed by that crude instinct of tightening the grip over whatever ill-gotten pelf may have come into her hands.

To those who prefer to try this Commission for what it is worth I would say that it is even worse than the diarchy which we have all found to be so expensively useless. The life of diarchy was at least limited to ten years. But if we co-operate with the Commission we shall help

them to create, with all artifices which recent experience has taught, no less a vicious sham, with, God alone knows, how much longer a lease of life! The dangers of trying this for what it may be worth are thus unlimited in extent and unforeseeable in time.

To such timid minds as cannot see a radiant future for India as we do I would give the assurance that the further you are in the heart of winter, the nearer is the coming of spring. And to those communities who might still think of their immediate concerns more than of the permanent interests of the nation I must repeat the words which Mr. Jinnah addressed to his own community, "you will not get even the proverbial thirty pieces of silver which Judas got for betraying his master."

There is one final word I should say before I resume my seat. I would refer to the undignified tactics that Government is employing for securing the co-operation of this Council for the Commission.

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I should appeal to the leaders of the various parties not to leave our national self-respect and freedom to be sold away by public auction in spite of the fact that every defection from national feeling may be paid for on what I may call a strictly commercial basis.

Mr. PRESIDENT: My attention has been drawn to some of your remarks which cast a reflection on His Excellency the Governor. Will you please repeat them?

Babu NALINIRANJAN SARKER: * * * * *

Mr. PRESIDENT: I must ask you to withdraw the words because they refer to His Excellency the Governor. I do not think you are within your rights in casting reflection on His Excellency's conduct.

Rai HARENDRANATH CHAUDHURI: If he has not been named, nobody can infer anything from these words.

Mr. PRESIDENT: I think the implication is there—I have been able to draw it.

Mr. SUBHAS CHANDRA BOSE: On a point of order, Sir, is it your business to draw implications?

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*A passage reflecting upon His Excellency the Governor has here been expunged by order of the President.

Mr. PRESIDENT: It is my business to see that no member goes beyond his limits.

Dr. BIDHAN CHANDRA ROY: Is it your impression that His Excellency the Governor is referred to, that he threw out baits or used threats in order to secure the support of the House? Have you any information on the point? For my part it does not give me that impression that Mr. Sarker was referring to His Excellency in his remarks.

Mr. PRESIDENT: I have no such information, but I have no doubt in my mind that the member did cast a serious reflection on His Excellency the Governor's conduct. It is my duty to see that he does not do that. Will he say that he did not mean any reflection on His Excellency's conduct?

Babu NALINIRANJAN SARKER: I have not done so.

Mr. PRESIDENT: If you say that you did not mean any reflection on His Excellency's conduct I may not go any further.

Babu NALINIRANJAN SARKER: I have said what I have said.

Mr. PRESIDENT: If you clearly say that you did not refer to His Excellency when you used those words, I may accept your version, not otherwise.

Babu NALINIRANJAN SARKER: I am not saying anything; I have said what I have said. It is not clear from my speech.

Mr. PRESIDENT: I must then ask you to withdraw those words; either deny or withdraw.

Babu NALINIRANJAN SARKER: I am very sorry that I cannot withdraw.

Mr. PRESIDENT: Nor can you deny that you used those words in reference to His Excellency?

Rai HARENDRANATH CHAUDHURI: He cannot be compelled to make any statement.

Mr. PRESIDENT: It is no question of compulsion.

Babu NALINIRANJAN SARKER: I do not do one way or the other.

Mr. PRESIDENT: It is my advice to the member to withdraw those words. As President I must see that no member casts any reflection on the conduct of the Governor. In a case like this, a member should have the moral courage either to deny or withdraw his remarks.

Mr. SUBHAS CHANDRA BOSE: We on this side of the House feel that you are going out of your way in making these remarks.

Mr. PRESIDENT: Mr. Bose, you are not right in saying that; I am taking your words very calmly and am not at all moved by them. But I must tell you, with all the emphasis I can command that, I am absolutely impartial. It is my duty to see that no member goes beyond the rights that really belong to him, and that he does not tread on prohibited grounds. I do not want to compel him to withdraw. If he does not act up to my advice, I will not say anything more at present.

(At 4-30 p.m. the Council was adjourned and it re-assembled at 4-45 p.m.)

Srijut TARAKNATH MUKERJEA: Sir, I rise to support the amendment of my friend Srijut Naliniranjan Sarker and to strongly oppose the original Resolution which has been moved by the Hon'ble Nawab Bahadur of Dhanbari.

I oppose the resolution on the following besides other grounds:—

It is an all-white Commission which was formed in utter and wilful disregard to the declared views and sentiments of the Indian people. It is preposterous, most humiliating, quite unpractical and absurd to think that the nation for which a constitution is intended should have no voice at all in the framing of its own constitution. In fact it is a standing insult to our awakened political consciousness.

The Secretary of State for India in support of this all-white Commission said that it is impossible to get together a Commission which would be completely representative of India.

We all know and even Lord Birkenhead himself knows it quite well that it is next to impossibility to get together such a representative body. In reality it is not merely a childish proposition but it is a real practical problem which must be solved in its proper lights. May I ask the Noble Lord that is it practically impossible to form an Indian Commission which will command the respect and support of the people in a large majority? Is it not such a Commission more desirable and acceptable to the people than an all British Commission which almost the whole nation strongly disapprove? We demand the absolute right

to govern ourselves—the demand for the government of the people and by the people and as such we consider it to be our inalienable right to frame our own constitution or to be more simple we want an India-made constitution for the rule and government of Indians.

No one can deny that the Indians never invited such a Commission but on the contrary it has been thrust upon them by one who claims to be the final arbiter of the destiny of Indian people.

I do not propose to take up the time of the House by repeating the arguments against this Commission as these have been repeatedly discussed from thousand and one platforms. I should only like to add that Lord Birkenhead and Sir John Simon's attempt to outwit us have failed and most hopelessly failed. Lord Birkenhead has advised us to humbly, faithfully and most loyally co-operate with the Commission leaving the rewards for our loyalty entirely at the good sense and mercy of the bureaucracy.

The so-colled concessions which Sir John Simon has recently announced may have been loudly applauded by the Anglo-Indian Press, but it has hopelessly failed to produce any effect on the people at large It has been most rightly observed by eminent leaders like Sir Tej Bahadur Sapru, Mr. Jinnah, Mr. Chintamani and others that these so-called concessions do not meet at all the fundamental objections to the Commission.

The report to the Parliament will still be the report of the Simon Seven and as Lord Birkenhead had stated, the Parliament will quite naturally be disposed to consider their report as the most reliable and authoritative one. Sir John Simon has so kindly said that the provincial committees will have the privilege to hear the evidence and to consider it along with the Commission. But on a closer analysis we find that it does not in the least alter the situation. The Report to the Parliament will still be a report of the white Commissioners alone and in the preparation of this report the Indian committee will have absolutely no part at all.

5 p.m.

It has been said that the Commission will be able to consider the matter most impartially and with an unbaissed mind. But this very fact which has been used in their support, namely, their absolute ignorance of India, Indian history and traditions. Indian life and Indian politics, etc., are in fact their greatest disqualifications to shoulder such a task which they have been entrusted to do.

I fail to understand, how, with such little or no knowledge of the Indian affairs, they will be in a position to decide the fitness of the nation to rule themselves or how they will be able to work out a constitution for us which will have to be worked out by us and in our own interest.

In fact from the true national point of view the boycott of the Commission is an imperative national necessity and on it depends the honour and prestige of the Indian nation as a whole.

It is the constitution of our future Government that is going to be considered and I think it to be a positive insult to our awakened national consciousness that no Indian finds any place in the Commission.

The right of our self-determination and our voice in moulding the future constitution which were so loudly proclaimed at the time of the War have been completely violated.

To my Muhammadan friends who still maintain any doubt I respectfully remind them the views expressed by the leaders of their community like Moulana Muhammad Ali, Mr. Jinnah, Sir Ali Imam, and Khan Bahadur Asaduzzaman and others.

To those of my few Moderate or Liberal friends in this House, including the Hon'ble Minister Sir P. C. Mitter, who may be tempted to ignore the almost unanimous verdict of the nation against the Commission, I would only commend the views which have been expressed by their leaders. Referring to the so-called concession made by Sir John Simon, Sir Tej Bahadur Sapru only the other day said that "Speaking for the Liberal Party as a whole, I can say with confidence that Sir John Simon's utterances will not make the least impression on the Liberals," etc. Will the Liberals in this House stand by the side of their accredited leader?

No particular class or community will ever be able to gain much by co-operating with the Commission. But the united and concerted action of all the communities and of all the different political parties in the direction of the boycott of the Commission will advance our national progress to a very great extent.

Mutual friendship and good relations between the different communities can achieve many great things but communal bitterness only drags us towards our national ruin.

So it is high time for us to pause a while to most seriously consider our position in the terms of the nation and nationalism so that we may decide an united line of action which will be truly beneficial to the Indian nation as a whole.

History shows that in England—the Conservatives, Liberals or Labour—they wrangle and quarrel over their mutual differences but in a matter concerning the whole English nation as a whole they all shake off their mutual differences and act as a nation as a whole.

This principle can be most profitably utilised in our country and when our national honour and interest is at stake it is the natural duty of all the Indian members of all the communities to rise equal to the occasion and to stand as an united nation.

The popular Ministers in more than one province have thought it in the fitness of things, to be right and proper to throw off their job than the abject and downright surrender to the dictates of the bureaucracy which wants to compel them to co-operate with the Commission against their own free will and against the mandate of the country.

Now the turn has come for the Bengal Ministers and it yet remains to be seen how they acquit themselves in this great national trial.

Leaders of all communities have sounded a note of warning to their respective co-religionists and countrymen against the folly of being tempted to the apparent and so-called petty personal advantages by being trapped into Sir John Simon's parlour and also against the wicked, malicious and absolutely wrong policy of promoting communal interests to the utter sacrifice of the larger, real and permanent interests of the nation as a whole. In rare and exceptional cases and under extreme circumstances difference of opinion may occur between the different communities but in matters relating to the entire Indian nation as a whole all the communities should stand hand in hand to give an united front before any other nation: If we fail to achieve this end then we will surely bring about a ruin to ourselves and will put us to ridicule both here as well as before the world at large.

The almost unanimous resolutions that have been passed by all sorts of different public bodies and institutions all over the country to protest against the formation of any committee of the Legislative Council to "assist and serve" the Simon Commission in any form bear a clear testimony to the volume and intensity of the strong public feelings against the Commission.

They have all in one voice strongly urged for the complete boycott of the Commission in all its forms.

Sir, we the elected representatives of the people here feel it our bounden duty to obey the mandate of the country and so I hope and trust that all the elected representatives of the people here will all in one voice declare in clear and unambiguous terms that we will have nothing to do with the Commission.

If we fail to do that then we will be false to ourselves, false to our country, false to the history and traditions of our nation and we shall prove ourselves to be traitors to the country.

Before coming to a final conclusion, I would only ask the House to consider who are the men and which are the associations which have joined hands to co-operate with the Commission.

Even men who were, until recently, the strongest supporters of the Government and in whom the Government also strongly relied, have decided not to co-operate with the Commission.

Sir Tej Bahadur Sapru, Sir Ali Imam, Sir Chimanlal Setalvad, Sir Sivaswamy Aiyer, the Maharaja of Mahmudabad, Sir M. Joshi, and many others—who, one and all of them, were inside the Government

and filled responsible position of a Executive Member of either the Viceroy's Council or of the Provincial Councils—have all opposed the Commission.

The Indian National Congress, the Indian Moslem League at Calcutta, the Responsivists and the Independents, the National Liberal Federation, the Hindu Mahasabha, the Legislative Assembly, the Madras, Central Provinces and United Provinces Councils, the leading Indian commercial bodies and almost all the public bodies have in one voice opposed the Commission.

It is a well known fact that on the 18th of February last the majority of the Muhammadan members of the Assembly voted not with the Government but with those who will have nothing to do with the Commission.

Even the Hon'ble Sir Pheroze Sethna, a commercial magnet of Bombay and a prominent Liberal leader, opposed co-operation with the Commission and declared that the exclusion of Indians from the Commission meant the taking away from them of the rights of citizenship of the Empire and lowered them to the position of mere petitioners.

So we should sacrifice all our personal or communal interests and petty advantages before our great Indian National Alter. We should forgive and forget all our mutual differences and should fight shoulder to shoulder for our mutual common good and to build up our mighty Indian nation on such a strong basis that it will be well nigh impossible for the enemies of the country to shake it.

In conclusion I appeal to every Indian elected member of this House to remember that by voting for co-operation with this Commission we will be exposing ourselves to utmost degradation in the eyes of the world at large, we will defer the day of our deliverance and thus shall prove to be a traitor ourselves.

In fact there is no place of honour for us in the constitution of this Government unless we agree to surrender abjectly to all their demands and to play to their tune everywhere.

We should not be under any delusions, we must realise that we have been deluded only by high promises in high sounding words on many a occasion.

We should realise that and knowing it as it is we should clearly refuse to accept the crumbs they throw to us.

I hope and trust that we the elected members of this House shall fully realise our great responsibility towards our own country and nation for worthily maintaining the honour of Bengal and shall stick to our attitude and shall all unite to march onward with honour and self-respect.

With these observations I strongly support the amendment of Srijut Naliniranjan Sarker.

5 p.m.

Rai HARENDRANATH CHAUDHURI: I beg to move, by way of amendment, that the consideration of the resolution be adjourned till after a general election of the Council on the issues raised by the resolution. Owing to a mistake of the Legislative Department two of my amendments were merged into one, but this mistake has now been corrected.

Mr. PRESIDENT: I think, you are quite satisfied now.

Rai HARENDRANATH CHAUDHURI: Sir, I have given notice of this amendment not so much as a member of the Congress, but as a member of this Council elected by a general constituency. I have given notice of it not so much because I desire to commit the Council to particular political views, but because sitting here in a representative capacity, I should like for myself and my elected colleagues the opportunity of approaching our constituencies and consulting their views on the very important issues raised by the resolution. It is alleged, Sir, in season and out of season, by our detractors in their reports and blue books that in voting on important questions we are more guided by our political views and predilections and think less of our electors and their wishes. I want, Sir, to test the sincerity of those detractors once and for all and know whether they are prepared to allow this Council to seek for the verdict of the people of Bengal on such a capital issue. The traducers of the people's representatives further allege in their reports and blue books that we do not take sufficient care to educate the electorate. Are they prepared to give the elected members a fresh opportunity to educate their electors on the important questions raised by the resolution?

The appointment, constitution, procedure and function of the Simon Commission have raised questions affecting the future position, status, and constitution of the country. Can any one pretend that these vital questions were before the electors at the last general election or that they come within the scope of our delegation? We who are elected to represent our countrymen here, must we not consult them before we go to assist this one-sided enquiry instituted by an interested party, carried out by a non-Indian agency, and presided over by a person who waxed eloquent on one principle in supporting the Irish Free State Bill and is pursuing and giving effect to quite a different one on the Indian soil? Simply because a command comes from overseas, must we, without a mandate from our constituencies, associate with the Commission on which Indians have no place, with which Indians are only suffered to associate, to whose report Indians have no right to subscribe, and decisions on whose recommendations will be taken not by the Indian people and their representatives? We know it at least from one of

Sir John Simon's speeches that the constitutions of other parts of the British dominions were prepared by the representatives of those dominions. Only here in this case a different procedure is to be followed. India must not be allowed to frame her own future constitution. The report will be made and the lines of the future constitution indicated by an alien body because, as Lord Birkenhead has said with the greatest frankness, the British Parliament cannot trust any but its own representatives even in making the inquiry and the report.

5-15 p.m.

Knowing this position and yet without a mandate from our constituencies how can we go to assist a Commission appointed in denial of India's birth-right, constituted in frank distrust of India and Indians without explaining the whole situation to our electors and definitely knowing their mind? For after all we are here to interpret their wishes and not ours whatever our individual opinion might be.

Then again it is a well-known principle "Delegatus non potest delegare." Delegates as we are, here have we the power to delegate seven members to make or mar the future of the country unless we are specially charged to do so? But then the penny wise says "You must make the best of a bad job. Go and insist on India's demands in the conference." The chance of speaking is yours undoubtedly but of the rights of recommending, far less of taking decisions, you have none. Notes of dissent however ably penned have no place in the parliamentary scheme though they may find a place in the annexure or appendix to the Commission's report. For was it not said by Lord Birkenhead again that Parliament in appointing the Commission expected a unanimous report and what can "unanimous" mean but unanimous in the rejection of all advanced Indian views and demands. The Prussian junker on the English soil says "Boycott or no boycott, the Commission will carry out its task." Let it, if it can. So carried out their task the Austrian Emperor's agents with reference to Hungary, so carried out their task the agents of the Tsar in Russia, so carried out their task only recently and nearer home the Milner Commission in March, 1920. The last World War has not certainly led to elimination of all "Kaisers" and Kultur" leaders that we all know.

Francesco Nitti has rightly said:—

"We believe that we had overthrown William II. . . . But the spirit which lived in him remains. Certain heads of Government are now uttering words which he would never have dared to speak, words which are an absolute negation not only of freedom and democracy, but of the very principles of social order. Insanely, cynically, force is exalted, imperialistic proclamations are drawn up, the right of conquest is declared. . . . Ten years ago, in the hour of

peril, we proclaimed the Union of the Nations, the necessity of disarmament. The war was to prepare the way for peace."

"What has actually happened?

* * * * *

"Free institutions are held in scorn by greater numbers than at any time during the past century."

The timid with no faith in India's future on the contrary says: "But then the judgment will go against you by default." Where is the guarantee that the judgment of the "Soi disant" judges and trustees will be otherwise if only we put in appearance? We are not even a juror or judge of facts, friends. You have only the right to hear and speak and suggest at some stages. Not one of your opinions is binding on any body nor have you the right to change a comma either in the report or in the coming Government of India Bill.

Summed up, the position therefore is that by not associating with the Commission you simply lose the right to hear and make ineffectual submissions. By dissociating you save India's self-respect. You do not barter away the country's inalienable birth-right to frame her own constitution. Judgment may go against us but not the right to spurn the exparte decree. For remember that after all the execution will depend on your co-operation and your co-operation alone. Neither can we afford to forget the noble words of protest uttered in circumstances similar to ours by another down-trodden nation that has now fortunately recovered its freedom:—

"It is possible that our country will again pass hard times: We cannot avert them by sacrificing our duties as citizens. The constitutional freedom of the land is not our private possession to be freely disposed of: the Nation has with faith entrusted it to our keeping and we are answerable to our country and to our conscience." We "will suffer without losing courage as" our "ancestors endured and suffered." "For what might and power take away time and favourable circumstances may restore but the recovery of what a nation renounces of her own accord through fear of suffering must be a matter of difficulty and uncertainty."

But the question of questions remains: are you in the name of "Responsible Government "going to receive a training in irresponsibility? Are you prepared to forget your electors in such a great crisis?

If this motion be not carried, I move, by way of amendment, that the consideration of the resolution be adjourned until this Council formulates its scheme of constitutional reforms.

The one simple reason for moving this resolution is that the Council cannot give a carte blanche to seven members and depute them without stating the principles which they will have to abide by in the joint

conference even if the Council be at all inclined to co-operate with the Simon Commission. This resolution does not arise so far as we are concerned. My point is that even if the Council be inclined to recommend the appointment of a committee, then also the Council should not take the resolution into their consideration now and immediately, that is, the committee should not be constituted unless and until the Council has formulated its scheme of reforms.

Mr. SARAT C. BASU: I move, by way of amendment, that the question of the appointment of a Committee of this Council be postponed till the publication of the decision of the All-Party Conference regarding the constitution. Mine, therefore, is a very humble amendment which I have moved. The reason for putting forward this motion is based on one thing, namely, that I do not entertain the original resolution. The Hon'ble Nawab Bahadur proposes that steps should be taken to give effect to the proposal of the Statutory Commission that a Committee of the Legislative Council be appointed to assist the Commission. If I understand the word "assist" aright, I believe it has got an inherent idea of mutuality. We are called upon to assist the Commission! But have we been asked for our assistance? Has there been any call upon this Council to come forward to assist the operation of this Statutory Commission? If there is no invitation to us to assist, it would be impertinent on our part to go ourselves uninvited and tell them that we have come to assist you. It is a Statutory Commission issued under the Royal Mandate to do what we have not been able to make out yet; and that is one of the reasons for which I, for my part, at any rate, feel that to go any step forward in any direction with regard to the Statutory Commission will be to take a big leap in the dark. We have been familiar with the various measures that have been put forward since 1793 when the constitution of the British Government was first framed. We all know the Code of regulations which endeared the British administration for the country. We have been told thereafter that from time to time measures have been introduced with a view to better and improve that constitution; but we know to our cost how that improvement has affected us. Whenever, therefore, a proposal was set on foot by the Government of the country for bringing better condition of things, we have known by our past and present experiences that the result has been retrograde. Now, the present constitution, which has been ruling the country, has been extolled beyond all measure by every one connected with the Government. If it is so good then why has there been such an endeavour to make it better? This eagerness, therefore, for improving and bettering the constitution is a thing which the people of Bengal—having had past experiences for so many years, know how it affects them. I believe, and it is the experience of many of my countrymen, that whenever there is a measure retrograde in its real object, it is

put forward in the name of some of our countrymen and for our destruction. This proposal has been made by the Nawab Bahadur whom we respect so much and who has endeared himself to our affection and esteem. We cannot for a moment believe that he is really responsible for the resolution. As we believe—knowing him as we do—knowing the tendency of his inclinations—knowing his anxious desire to benefit his countrymen, we consider that he is innocent of the whole thing. He has been put forward to move the resolution, but ever obliging as he is, he could not refuse, however disastrous it may be to our country's cause.

5 p.m.

What is more, as I have already said, he asks us to assist. To assist in what way? Nothing is indicated in the resolution as to how we are to assist. Assist in the deliberations? That requires invitation. Assist in going with them as camp followers when they go from place to place? We are unable to do that as our time does not permit. Then what are we to do? There has as yet been no definite proposal that we have got to do this thing or that thing or the other thing. I am not one of those who simply go on with the vague idea of assistance. There are, we know, people who are always for assisting the Government, people belonging to our community, people belonging to this country, people who are always willing and ready to assist the Government, but really with a view to assisting themselves. We are incapable of doing such a thing. In our religion, in our mythologies, we have known from our infancy that there is always a danger in attending a ceremony without invitation. The whole cosmos of Hindu philosophy has been almost based on that maxim—that uninvited we cannot go. If there had been any invitation issued by the Royal Commission to this Council and if we had been told what we should have to do to keep that invitation, we could then think about this. The whole thing therefore is so vague, so commonplace, so unmeaning, so pointless that if we go to the Commission to assist them without any invitation from them, that would be a veritable leap in the dark and we may cut our throats thereby. Already we are bad enough and we do not want to make ourselves worse. It is for this reason that without any comment upon the virtues or vices of the Commission I have made the simple prayer "let us wait and see what this Commission is, first of all, and secondly, what this Commission is going to do. What are the measures they propose to carry through? For that reason a Conference has already been convened and I believe it is sitting to enquire all about it." What we pray now is that time may be given to us to think about it before we are called upon to assist. At any rate we should wait till we are asked by the Commission to assist. If the Commission does not want us we have no business to go to them at all. What I

am afraid of and what many of my countrymen like myself are afraid of, is—what are we to do in the absence of this invitation. How can we possibly be of assistance to them? We know that there are maladies enough in the body politic of Bengal at any rate if not in India generally. Now, what is a Royal Commission? Nobody has told us anything about it yet. Does the Government like Johnson's mother think that all maladies can be cured by regal touch? We have not been able to conceive what we have got to do and what to avoid. Therefore my request to the hon'ble members of this House is to wait and see. There is no harm in waiting. The Commission is here and is not going to run away. Let us see what things, what ideas they formulate, what measures they propose to put forward for our destruction. Let us know all these and then we shall be able to take proper steps either for making or for unmaking it, either for going along with it or for standing in front of it in opposition. Let us wait and let us know and think over the matter.

For that reason I propose that the question of the appointment of a committee of this Council be postponed till the publication of the decision of the All-Parties Conference regarding the constitution.

One other thing. We have been asked to form a committee, but committee of what? Committees can be appointed under the Government of India Act but I do not find any measure or section or rule anywhere that authorises the appointment of such a committee. Who asks us to make this committee or shall we have to form a committee under the rules that have been given under the Government of India Act? Nothing has been mentioned and nothing done. Therefore I submit that the thing is too premature to think of, and we ask you all to save ourselves from the well-meaning people like the Nawab Bahadur who ask us to assist the Commission. We cannot be responsible for the measures to be brought forward and we must not put ourselves in the same situation as the Nawab Bahadur has been placed and ask Mr. President and the Government to make us wise.

Mr. PRESIDENT: All the amendments proposing the postponement of the consideration of the subject embodied in the resolution are now before the House. I invite a general discussion on them.

Babu JOGINDRA CHANDRA CHAKRAVARTI: I rise to support the amendment that has been moved by my friend Mr. Sarker. In doing so I propose to confine myself mainly to two grounds; the first ground that I would urge against the consideration of such a resolution to-day is that the Council should refuse to discuss a question like this at a time when the attention of the whole country should be concentrated upon the solution of a problem which is to my mind of paramount importance both to Government and to the people of Bengal.

The question that I would ask the chosen representatives of the people assembled in this House to consider to-day is as to whether they would be doing their duties to the people if they were engaged in a mere academic discussion regarding some verbal changes in the wordings of a meaningless resolution (I advisedly use the word "meaningless") when a dying population is looking up to them for substantial help in their hour of need. I consider it a cruel dispensation of fate that we have been summoned to a special session of the Council to hold a debate over the formation of a committee to assist the Statutory Commission at a time when the piteous cries of the famished and starving men, women and children coming from the famine-stricken areas of the province have filled the whole atmosphere of the country and heart-rending tales of our brothers and sisters embracing the tortures of a slow lingering death from actual starvation are reaching us daily from places which are under the grip of a terrible famine.

I happen to represent the district of Dinajpur and the people of my constituency in the Balurghat subdivision are now passing through most trying times on account of failure of crops during three successive years. They have struggled hard to keep their body and soul together for the last nine months; they have sold away all their belongings including their cattle and their utensils and they have now completely broken down. The pangs of hunger have made the people desperate. Parents selling away their children, husbands selling away their wives and men and women trying to put an end to their own lives by committing suicide to get rid of the pangs of hunger are being frequently reported. Unfortunately the officials on the spot have tried to explain away all these incidents in an ingenious manner, but in spite of all that they have said they feel constrained to admit that the distress is intensely acute. They cannot deny that the people are going without food and that many people are actually living upon meals consisting of boiled jute leaves, *kachu* leaves and leaves of other trees.

Reports of starvation from the districts of Bankura, Birbhum, Khulna and Malda are also reaching us. Anyone who has a heart within him cannot but be moved by the tales of agony reaching his ears every day. The Bengal Provincial Congress Committee and other associations and local committees are trying their very best to render such help to the people as they can.

Mr. PRESIDENT: Mr. Chakravarti, the subject to which you are referrng touches a sympathetic cord in my heart, but we are not discussing that subject now. You must confine yourself to the amendment.

Babu JOGINDRA CHANDRA CHAKRAVARTI: I submit that the ground for my referring to this subject is to bring out the fact that Government have not called a special session of the Council to consider this situation. These are the arguments which I am advancing and

addressing to the members of this House to enable them to consider as to whether they should or should not consider the resolution until the Government have called a special session of the House. In that view I submit that these are relevant matters. Anyone who has a heart within him cannot but be moved by the tales of agony. The Bengal Provincial Congress Committee.....

Mr. PRESIDENT: Mr. Chakravarti that has got nothing to do with the amendments under discussion. Will you please deal with the amendments?

Babu JOGINDRA CHANDRA CHAKRAVARTI: Do I understand that I am not allowed to mention these matters.

Mr. PRESIDENT: I think you should not do that. You should speak on the amendments.

Babu JOGINDRA CHANDRA CHAKRAVARTI: I say that the question that naturally arises to-day "Is the Government doing all that is possible to be done." Speaking for myself and speaking about my own district I say without the slightest hesitation that the question can be answered only in the negative. Government have anticipated.....

Mr. PRESIDENT: Is this with regard to the famine or with regard to the Simon Commission?

Babu JOGINDRA CHANDRA CHAKRAVARTI: I am just making out my point that having these facts before Government it was their bounden duty to call a special session of the House to consider this matter and as the Government have not done so I ask the members of the House to set their faces resolutely against the consideration of the resolution now before the House. In elucidation of this point it is necessary that I should place these facts before the House.

Mr. PRESIDENT: You have already thrashed out that point. You need not go any further. I am afraid I must ask you to confine yourself to the amendments.

5-45 p.m.

Babu JOGINDRA CHANDRA CHAKRAVARTI: Now, Sir, the first ground which I want to urge is this. I most earnestly appeal through you to the members of this House to consider this point as to whether they do or do not think that it was high time that the Government called a special session of the Council to consider the urgent situation that has arisen in the country. And if Government do not do that

I appeal to you to consider whether this resolution should be considered by them in preference to a more important subject like this. Now, Sir, I listened with great attention to the speech that was delivered by the Hon'ble the Nawab Bahadur who moved this resolution. He said that the appointment of the Committee could not be delayed. The one question that I will put to the members of this House to consider is this: Which is of greater importance? The appointment of the Committee or the saving of human lives? It is for the members of this Council to answer this question.

My second ground is that the resolution is absolutely uncalled for, as the British Parliament never contemplated that the Statutory Commission should consist of members of the Indian Legislative Councils. The resolution is to the effect that a Committee of the Legislative Council be appointed to assist the Commission. The first question that naturally arises in this connection is this: Who wants this assistance and why? It may be in the recollection of the members of this House that when a proposal like this was thrown out by the Legislative Assembly, Lord Birkenhead in a speech at Doncaster on the 17th of February, said: "I wish to make it as plain as I possibly can that either with the assistance of the Indian Legislatures or without their assistance, this Commission will carry its task to completion." His Lordship in a few well-chosen words has given out the whole truth about the matter. When the British Parliament appointed the Statutory Commission, Indians were studiously excluded from being members of the Commission on the ground of their unfitness, for reasons which I need not reiterate. When however Sir John Simon and his colleagues landed at Bombay they found a tremendous wave of opposition to the Commission, and the word "boycott" was on everybody's lips. A shrewd lawyer and a man of business, as Sir John Simon is, he at once hit upon a plan of conciliating Indian opinion by writing a letter to His Excellency the Viceroy that he would have committees of the Indian legislatures to assist him. Indians however are not going to be befooled by the gesture and the boycott continued. The Secretary of State found that the Indian politicians were no longer in a mood to be duped, so he gave out his mind in very plain terms. He said in the course of the same speech: "If organised political opinion in India (mark the word, Sir!) chooses to maintain itself in silent boycotting and aloofness, nevertheless the work of the Commission will be performed." Now, Sir, none in India ever felt any doubt about the truth of what His Lordship said. Parliament did not want the assistance of Indians in the matter of the examination of the question of fitness of Indians for self-rule. The British Parliament knows perfectly well that Indians of all shades of opinion hold the view that they are fit for self-rule. The Indian National Congress had declared in very clear terms that complete independence is the goal of its aspirations. England, however, holds the view that India is not fit for swaraj or independence, and

with a view to have a declaration to that effect in a formal manner this Commission has been appointed. Who could ever entertain the hope that England would ever willingly agree to Indians controlling their own affairs. England knows very well that if Indians are allowed to manage their own affairs in the best way that they thought fit, without any outside interference, the first thing they would do would be to stop the economic exploitation of India by England with a view to enable them to live and prosper. England cannot possibly be expected to be a willing party to such an arrangement. India is the brightest jewel in the crown of England—a happy hunting ground for the English adventurers to make themselves rich by the use of all possible weapons as a conquering race may force upon the conquered. "Our forefathers took India for the purpose of exploiting its resources, and we hold it to-day for the same immoral purpose" says Dr. V. H. Rutherford in his book *Modern India: Its Problems and their Solution* written after his tour in India in 1926. So it must be perfectly plain to any one, any casual observer, that the British Parliament cannot be expected to confer swaraj on India, and it seems to me that those of our politicians who so often talk about the grant of swaraj or home-rule by the British Parliament, do so under a self-deception. They must know in their heart of hearts that swaraj cannot be granted by one nation to another. It must always be achieved and achieved by a heavy sacrifice. No one can shut his eyes and his ears to the revolutionary changes accomplished by other nations, abroad in Europe and in Asia, impelled by the spirit of freedom, and of developing their own resources for their own benefit to the exclusion of foreigners.

India to-day is moving with the time-spirit, and Indians are determined no longer to remain content with being hewers of wood and drawers of water in their own country. It is impossible to check the onward march of the surging waves by a mere command of the mouth: Thus far and no further. How then can the question of the appointment of a committee of the legislature to assist the Commission arise? The British Parliament never wanted such assistance, because they thought that the Indian politicians could not be expected to take a dispassionate view of things.

Sir, to my mind the position of the committee in plain words is a position akin to that of chaprassis and khitmutgars who certainly assist their masters but cannot control their action.

Delhi, Madras, the United Provinces, and the Central Provinces, have rejected the proposal. All honour to them! Will Bengal to-day fail to keep up its position as the most forward province in India by rejecting the proposal made by the Hon'ble Nawab Bahadur? I hope not. The Indian representatives in the Legislative Assembly wanted a round-table conference to settle a constitution for India. The Government of India and the British Parliament have rejected that proposal. Their express policy is to exclude Indians from having any hand in

the shaping of their own destinies. Indians have no place, therefore, in the Commission, and to appoint a committee to assist the Commission is absolutely meaningless. The present move is merely a trap to catch some of us who may be still wavering. Let us show by our votes to-day that we refuse to fall into their trap.

Mr. J. M. SEN GUPTA: On a point of order, Sir. You said just now that the amendments relating to the postponement of the consideration of the resolution moved by the Hon'ble Member are now open for debate. The question is this; there are other amendments, viz., Nos. 10-17, on this resolution, and I want to know from you, Sir, in case the other amendments are not moved, does it mean that no one else will be allowed to speak on the original resolution or amendments? Supposing, Sir, the other amendments are moved, then a speaker who has spoken once will not be allowed to speak again on any one of these amendments. I want to have this information from you; whether by speaking on this amendment a member loses his right to speak again on the subsequent amendments?

Mr. PRESIDENT: That is always left to the discretion of the President. The usual practice is that a member is not allowed to speak twice on one subject; but he can even do so if permitted by the President.

Dr. PRAMATHANATH BANERJEA: May I know what is the procedure to be adopted in regard to voting on these amendments?

Mr. PRESIDENT: I am going to put them to vote separately, one by one.

Dr. PRAMATHANATH BANERJEA: After all the amendments have been moved?

Mr. PRESIDENT: I will put to vote amendments Nos. 4-9 one after another and then take up No. 10.

Mr. J. M. SEN GUPTA: Supposing, Sir, amendments Nos. 10-17 are not moved, I take it you will proceed with the voting. But if those amendments are moved, some of us would like to speak on them.

Rai HARENDRANATH CHAUDHURI: On a point of order, Sir. If the speaker speaks on the general amendments Nos. 4-9 how does he lose his right to speak on subsequent amendments?

Mr. PRESIDENT: He does not lose his right at all, but it is for him to decide whether he should speak on a particular amendment or not.

Rai HARENDRANATH CHAUDHURI: They may choose to speak twice.

Mr. PRESIDENT: Quite so, nothing prevents them from doing so provided they do not speak twice on one amendment without my permission.

Babu JITENDRALAL BANNERJEE: If any one wishes to oppose the proposal of the Hon'ble Nawab Bahadur, will he be allowed to do so after the amendments have been moved?

Mr. PRESIDENT: Yes, after the amendments have been disposed of, the original resolution can be discussed.

Alhadj Sir ABDELKERIM CHUZNAVI: Mr. President, Sir, I have listened with much attention to the speech which has been delivered by the mover of the first amendment, as also to the other subsequent speeches but I fail to discover any cogent reasoning whatsoever that may lead the members of this House to agree to his proposal of postponing the consideration of the main resolution *sine die*. It seems that all these amendments are merely the outcome of a mistaken desire on the part of the movers and their party to non-co-operate with the Simon Commission. If the mere delight of obstruction has no charm for my friends opposite, I will readily admit that they too are actuated by honest convictions in thinking that the goal which is common to us all, namely, a self-governing India, can best or can only be attained by the process of non-co-operation.

6 p.m.

But, Sir, may I ask my friends opposite what has been the result of this policy of non-co-operation extending over the last seven years or more. Has that policy brought the goal of responsible government a whit nearer? Has it in any way advanced the cause of our country's progress or removed in the slightest degree our manifold national wants either material, moral, political or economic? Has it brought in its train any constructive work for our national well-being? Has it removed the want of pure drinking water in our rural areas, or impeded the progress of fell diseases such as cholera and malaria, which alone are responsible for carrying to immature graves millions of our countrymen? I challenge them, Sir, to point to a single beneficient result that has accrued to us from this futile and puerile policy of non-co-operation, which, on the other hand, has merely

ushered in irresponsibility and has only caused obstruction and clogged the wheels of our national progress during all these years—when otherwise a substantial advance might have been made in various directions in our material welfare. I can therefore only deplore that their experience of failure in their policy and practice of non-co-operation has made them perhaps sadder but surely not a bit wiser. Would it be too much to make a final appeal to them, who from a mistaken sense of patriotism are pursuing this policy to carefully take a fresh and dispassionate survey of the entire situation, and while there is yet time to lend a helping hand towards the evolution of our national constitution and thus to speed our motherland further onwards on the path of ordered progress? Would it be too much, Sir, to appeal to their sense of patriotism, their sense of duty, in which I am sure they lack not, to tear the veil of mirage from off their eyes and look ahead to the promised land and realise that the way to it is long and weary and an uphill trudge, where halts have to be made at different stages to take breath, and that it is only by conscientious, hard and constructive work that they can hope to reach the summit. Here then is a glorious chance. India is again at the threshold of a great opportunity which no patriotic Indian should lightly throw away.

Mr. Naliniranjan Sarker has referred to the trade facilities which are considered to be the most important assets so far as India is concerned. He has said that because England is desirous of exploiting India she is never likely to grant dominion status to India, or if I have heard him aright words to that effect. I may say in reply, assuming that is so, it is for that very reason England is likely to grant us dominion status, for trade facilities are indeed the most important factors to be considered. As long as it is felt that India is able to care for herself, that we are able to stand on our own legs, that we can efficiently govern our own country, and are fit for the full measure of self-government it will be to the material interest of England herself to confer dominion status on India.

Sir, the Commission is a settled fact and no Lord Morley is there to unsettle it. The Secretary of State has stated, the Prime Minister has affirmed, that when journeying in the Provinces the Committee of the members of the Provincial Councils will act with the Simon Commission as their colleagues. Sir John Simon himself desire that there should be an Indian wing composed of equal number of members as his own Commission to work jointly with it. The members of the Commission are due to return to India in the early part of the next cold weather, when they will begin their labour of enquiring into the working of the system of Government since the introduction of the Reforms, and of taking due note of the defects and shortcomings in the system that has already been introduced as also of our national aspirations as to what further progress we desire in the evolution of our constitution, and to what extent we are fit to receive full measure

of self-government. Is it therefore not meet and proper for ourselves to participate in this work, and to press for as full a measure of self-government as we are fit to receive, and demand for safeguards necessary to be embodied as a part and parcel of the constitution for the protection of our legitimate rights and interests, particularly of the minority communities? If the consideration of this resolution for the appointment of a Committee of this House be postponed *sine die*, would it not tantamount to letting our case go by default? Would it not tantamount to a betrayal of the trust that has been reposed in us by our constituencies? Is it not only right and proper that we should make out as good a case as we can for further reforms if we desire Provincial autonomy, if we desire that India should be a self-governing country with dominion status conferred on her? It can only be by co-operation, unless we are prepared to at once wrest complete independence and freedom for our country by the help of the sword and perhaps with an army from Mars. The latter eventuality is scarcely likely, and if we have got to get it out of the British Parliament it can only be done as I have said, by showing that we are fit for further reforms by co-operating with the members of the Commission in pressing forward our legitimate claims. It is no use blinking the fact that the British Parliament under present conditions can alone determine India's future. The question, whether the procedure that has been adopted by Parliament with regard to the present enquiry has given us any cause for umbrage, has been discussed so threadbare both in the press and on the platform that I do not propose to dilate on it here.

Reference has been made by several speakers to eminent men like Sir Ali Imam and Mr. Jinnah, one of whom has spent a good deal of his time in the service of the Crown and country. I would ask them to consider for a moment what is the real scope of the Commission and what the Commission are going to do. They are coming here to enquire into the working of the present system of constitution, the conduct of political India, in other words the conduct of so many thousands of members of Legislative Councils all over India, who have been and are working the Reforms, be they Indians, Europeans, or Anglo-Indians. Therefore, I fail to see how anyone whose conduct would be the subject of enquiry can take umbrage, much more an insult if he is not put on that Commission. (A VOICE: Reforms and Knighthood go together.)

I would only say that my friends opposite demanded a Round Table Conference and Sir John Simon has given it to them in the shape of a free joint conference. They asked for an equality of status and Sir John Simon has given them the equality of status. (Question, Question.)The Punjab Committee demanded that no distinction between its own members and the members of the Commission be made in respect of examination of witnesses and access to all documents, and the same

has been readily acceded to. The Indian committees will have further the right to draw up a separate report for presentation to the legislative bodies that appointed them, or if they so desire they could send the same to the Joint Committee of both Houses of Parliament for consideration along with the Report of the Royal Commission. Briefly, Sir John Simon's scheme, as now evolved, assures most complete representation of all Indian interests at every stage of the enquiry. In point of fact, the Indian members on these committees will take fuller and more adequate part in all the work of constitution-making than would have been the case if two or three Indians had been made members of the Royal Commission—who in that case would have been always in the minority in the main body of the Commission. I, however, realise that arguments and reasonings are only thrown away with those persons who persist in repudiating the right of British Parliament to determine Indian Constitution, or who are obsessed with the idea of *mala fides* of the British. But, Sir, let us take facts as they are and let me emphasise, that boycott or no boycott, the Commission will proceed with their work. Here is an opportunity which no Indian, with a clear conception of events round him, should throw away. At the present moment, we have a Viceroy who is fired with a noble zeal of helping us to build up a nationhood by doing all he can towards composing our communal differences which alone stand in the way of our speedily arriving at our goal. Members of the Commission, presided over by one of the biggest brains in Europe, are coming out with open and unbiassed minds and are ready to recommend for India as much as she will be able to assimilate. Under no circumstances, those of us at least who belong to the minority communities, can afford to let our case go by default.

My friend, Rai Harendranath Chaudhuri has told us that India has not been allowed to draft her own constitution. Sir, I beg to differ from him. From what I have said my friend will see that members of this Council will have ample opportunities in taking a proper share along with the members of the Commission to help in the work of drafting the constitution.

My friend, Mr. Basu, over there thinks that the system which is now in force may very well remain. I was truly glad to hear those words from him and I wish I heard him say so a few months ago when I had the privilege to work the system while I was in office. If he were so enamoured of diarchy at that time, I am sure I should have had the benefit of his support and vote.

Dr. BIDHAN CHANDRA ROY: May I enquire that if a member speaks inaudibly should his speech go into the proceedings? He is talking so rapidly that we cannot follow him. We would ask him to talk a little slowly.

Alhadj Sir ABDELKERIM CHUZNAVI: We equally want Swaraj, but within the British Empire, with the clear and distinct proviso that our legitimate rights and privileges would be safeguarded. Finally, I would again abjure my countrymen of all schools of thoughts, by all that is holy, and in the name of our common motherland, not to pursue a policy of negation that can land us nowhere, but let us all join together in helping to devise a constitution where the interests of all and sundry would be equally respected. It is, Sir, for this reason that I can consider it essential, that this matter should not be postponed *sine die*, and that a committee of this House should be elected to work jointly as colleagues with the members of the Commission. With these words I oppose the amendments that have been moved.

6-15 p.m.

Srijut JOGENDRA NATH MOITRA: I am sorry at the outset to admit that I fail to appreciate the arguments presented by Sir A. K. Ghuznavi who appears to have taken brief for the Government. I rise to accord my whole-hearted support to the amendment moved by Babu Naliniranjan Sarker that the consideration of the resolution should be postponed *sine die*. The reasons which prompted us to take up this attitude have been fully discussed by my other friends and further dilation on these points may therefore be considered unnecessary. But, Sir, in the present state of our mental torpidity which most of us unfortunately are a prey to, I consider, a bit of hammering on old points may produce a more effective result. It will accelerate the flow of imagination to a healthy channel and prevent its present tendency to settle down within a circumscribed compass.

Sir, in opposing this resolution, as it is, I stand on the fundamental right of a man—the right of self-determination. This inherent right of a nation has been recognised all the world over. The original idea which prompted Powers to form a League of Nations and bind themselves by international laws was to avoid future wars by not interfering with the rights of other nations—nay recognising and respecting them. But as we find it now, its noble purpose has been frustrated soon after its birth by the insatiable greed and love of self-aggrandisement of the powerful nations.

When England was in the grip of the terrible war, when the great German offensive was going to threaten its very existence and when Indians were found reluctant to plunge headlong in the war which will bring them no good, message came from the British Parliament in the shape of a promise to introduce Responsible Government in India. The Indians greeted this offer with full confidence so natural to their temperament and helped England to victory with their men and blood. Now, the danger is over and the spirit which prompted the English people to make that declaration has vanished with it. To keep up

appearance a sham reform was thrust on us with a system of diarchy, which was found unworkable even by stout and believing souls. Now, we are again confronted with a "Commission" which is to enquire and pass judgment in shape of recommendation as to our capacity for further reforms. Upon their report the Parliament will decide as to our future constitution.

Sir, it is known to all that this Commission was appointed in total disregard of the expressed wishes of our countrymen. How the Indians regarded it will be evident from the all-Indian hartal on the very day of its landing. The admirable temper exhibited by the police on the hartal day in making indiscriminate arrests and wanton assaults on unarmed passers-by in many places in India, particularly in Calcutta, will bear ample testimony to the success of the boycott. The all-white Commission in total exclusion of the Indians was undoubtedly a deliberate insult to the self-respect of the nation and a shameful denial of the fundamental rights of the people of the soil to determine their own constitution. The leaders of all shades of political opinion joined together in one voice for its total boycott.

Both Lord Birkenhead and Lord Irwin have given their reasons for excluding the Indians from the Statutory Commission. It was because our judgment will be coloured by our natural desire to get swaraj without coming to pause and weigh our capacity at the present stage. While coming to their findings our trustees were obsessed, apparently, with two main ideas: The one, is their love of exploitation and perpetual domination and the other, is their distrust and suspension. Even a casual observer will not fail to see that our "trustees" were more anxious to maintain their tight hold over us rather than a sincere desire to place Indians in the confederacy of the self-governing nations. We find the same spirit dominating in the utterances and writings of Sir John Simon, leader of this Commission before and after his first visit to India.

Sir, if we go back only a few years, we shall find quite a different mentality working in this same Sir John Simon who, in supporting the Irish Free-States Bill in the House of Commons said: "I think it is one of the encouraging features of the situation that this constitution is a constitution which has been drafted in Ireland by Irishmen for Ireland." In concluding he said "At any rate there is a real element of hope and confidence here in that this constitution is not a constitution which the British Parliament formulates and offers to confer upon Ireland, it is a constitution which the Irishmen themselves have drawn up and which they now apply to the Imperial Parliament to ratify."

Are we not in India basing our opposition on the very grounds covered by Sir John Simon? Why in our case does he fail to appreciate the reason when we assert that our constitution should be drafted in India by Indians and for India? In dealing with the question of

Irish constitution did he not mention with pride that "the constitution under which different parts of our empire are now working are in a very large measure constitutions which have been settled on the soil where they are to operate by the people who are to live under them?"

Why is this difference in treatment? The reason is not very far to seek. Here, unlike the Irish people, the Indians have been generally loyal at heart, here they do not show their resentment against the lawless laws by rising in open rebellion, here many of us still pray and argue. It is for this reason that the law which applies to the whole of the world is conveniently forgotten here and all the possible and impossible excuses are invented and marshalled together to forge a chain to keep the Indians in interminable bondage.

Sir, I have stated before, that we stand on the inherent rights of a nation. We refuse to be dominated and ruled in our internal affairs by arbitrary and irresponsible forces. The great philosopher and the erstwhile President of the United States of America, Mr. Woodrow Wilson, puts this question before the world "Shall there be a common standard of right and previlege for all peoples and nations or shall the strong do as they like and the weak suffer without any redress?" This very question was troubling us for a long time. We are for a common standard of right between a man and a man between a nation and a nation.

I will now refer to what some of the eminent Indian leaders say as to the belated announcement made by Sir John Simon, granting concession to the Indian committees. Men like Sir Tez Bahadur Sapru, Mr. M. A. Jinnah, Sir Sivaswami Iyer, Sir Chiman Lal Setalbad, Sir Phiroze Sethna, etc., many of whom occupied position of trust under the Government and who have always been credited with possessing "saner" political views, consider that the acceptance of the resolution of the Punjab Committee does not materially alter the situation. On the other hand they assert that it strengthens their original determination for its boycott. The Commission has retained in themselves the true power, i.e., the power of final recommendation. Dealing on this apparent climb down they are clearly of opinion that it is nothing short of an eye-wash calculated to divide and demoralise the people.

I would now ask Sir Abd-ur-Rahim whether he has found anything honourable in the latest "concession" made by Sir John Simon to encourage him to send in his amendment. His Town Hall speech is still ringing in my ears. Let me remind him of the resolution adopted in that meeting under his presidency: "That this public meeting of citizens of Calcutta belonging to all sections of the Indian community and owing allegiance to different political parties, etc., etc., are hereby united in placing on record their universal sense of indignation at the calculated affront offered to India's national self-respect by denying her the fundamental right to determine her national constitution and

hereby resolves to have nothing to do with it and urges upon all public bodies and in particular the Legislatures, to refuse to be associated in any way with the parliamentary Commission."

Will it look nice for him now to give up the fight after having taken up the gauntlet? I hope his knightly spirit will yet prevail and he with his friends will stubbornly support us against the insulting proposal.

Sir, I have also a few words to say to my moderate friends here, who may claim to belong to the Liberal, Union, Independent or any other party. To them I should like to point out the lucid speech delivered by Sir Tez Bahadur Sapru as President of the Liberal Federation and I hope it will carry sufficient weight with them as it does with other parties in this House and outside it. In one place he says: "Indian Nationalists of the moderate school have been compelled to ask if the only way of recognising the spirit of co-operation is by telling Indians that their lot is to be none other than that of petitioners, that they cannot be trusted to participate in the responsibility of making recommendations to Parliament for the future of their own country and that all they may aspire is to put their proposals before the Commission which may accept or reject and again to repeat the same process of persuasion, argument and discussion before the joint committee of Parliament."

Sir Tez Bahadur, like other self-respecting Indian leaders, is clearly of opinion that the position we stand remains the same even after the much talked of Commission. The duty of our moderate friends is therefore clear. When the dignity of the nation is at stake I hope they will not be swayed by any other consideration but will join hands with us to oppose the resolution.

The resolution of the Moslem League and the noble stand of Mr. Jinnah and Sir Ali Imam should produce a saner effect in the minds of my Moslem friends here, many of whom, as it appears from the nature of their amendments, intend to use this occasion to strengthen their communal position. I hope they will yet take a broader view of things and will refuse to barter the cause of the country for a mess of pottage. We have a timely message from Dr. Sheikh Muhammad Alam, M.L.C., who, as president of Sindh Moslem Political Conference, warned that until swaraj was established in India, the search for a settlement of communal rights was a madness itself. He appealed to Moslems in particular to make the boycott a complete success.

It now remains to be seen what our Ministers do. Their attitude will clearly prove how far they justify their position as a popular Minister. It is only the other day that two of our U. P. Ministers proved their worth and courage of conviction by refusing to cast their votes against the expressed views of their countrymen. For this act

of courage they had to incur gubernatorial displeasure and had to resign. But they never budged an inch from their principle. Is it too much to expect that our Ministers will prove an equal stamina and cast their votes on the popular side?

Sir, in concluding my remarks let me assure you once for all that in supporting the amendment I am not swayed by any personal likes or dislikes or considerations of any party policy. I stand on a much surer ground, i.e., on the mandate of my constituency I have been commissioned by all without a single exception not to support the formation of a committee to assist the Simon Commission. It is a camouflage out and out. Sir, I heartily support the amendment.

Rai JADUNATH MAZUMDAR Bahadur: Sir, I have listened with great regret and sorrow the wail of despair and pessimism from my friends opposite. But I may tell them that the very fact of our being a subject nation proves without any shadow of doubt that the fault lies in us and not in the British people. "The fault, dear Brutus, lies not in our stars, but in ourselves that we are underlings." The only way by which you can achieve independence is by co-operation and not by falling foul of one another.

6-30 p.m.

If we could unite we could even at this very moment dispense with the Simon Commission. Therefore, I say that situated as we are, we must not be blind to stern facts. We are yet a subject nation, yet a dependency of Great Britain. (Shame, shame). Shame not only to us but to our ancestors who allowed themselves to be deprived of their liberty.

Mr. PRESIDENT: You are drifting from the subject under discussion.

Rai JADUNATH MAZUMDAR Bahadur: There are two alternatives before the Country—either to wrest freedom from the hands of the English or to co-operate with them, either to assert our soul force to persuade them to grant us more and more liberty or to wrest it by force; force we have not, and therefore the only resource left to us is to co-operate with them and show them that even their self-interest requires that India should be given full freedom, and if they do not give us timely advancement they will have to rue the delay. After all, English statesmen are not fools; they know what is what, and when to yield and when not to yield. It is for the House to consider why the Simon Commission has come. It started no doubt under suspicion

of the people of this country, who have from past experience lost some confidence in the ultimate intention of the British Parliament, but at the same we should remember that the Government of India Act was not passed by one party in England; it was the deliberate act of the entire English nation and their intention was to give full responsible government to India, and they still stick to that intention. They know that if responsible government is withheld from India they will not be able to hold it perpetually by force; they also know that a prosperous and contended India can be made a source of great strength to England. Those who think that England will not grant us complete responsible government have no idea how nations are at present being moulded. The people of foreign countries do not care for military conquest now-a-days; they care more for the mutual exchange of manufactured articles and also exchange of economic and spiritual, literary and moral and social ideas. England wants to have perpetual relation with India. England minus India is a third-rate power only, but with India it is a first-rate power. Therefore England can never afford to lose India and is bound to grant self-government to it. We should have no suspicion against the Simon Commission who have come here not with a sinister design, but—I feel this in my bone and soul—to give us higher stages in the evolution of our national liberty.

Now, Sir, the question is whether we should co-operate or non-co-operate with the Commission. I find that the Congress and the National Liberal Federation are co-operating, though not directly. For some months past they have been framing a Constitution for India; may I ask why they are doing so? It is certainly not for their own edification or pleasure but only to let the Commission know what the real demand of India is. Otherwise there is no need for framing any such constitution. There is nobody else in the world who can give effect to the constitution except the British Parliament under which we live at present. Therefore I say the Indian National Congress and the Liberal Federation are themselves co-operating with the Simon Commission by preparing to tell them what India really wants.

What is meant by "assistance?" What are we to do? We have simply to tell them that we are prepared to assist them, to solve the communal question and other similar questions. The Muhammadans want all the seats; the Hindus too want all the seats; Muhammadans want all the appointments and Hindus too want all the appointments. There are the Anglo-Indian and also the Christian and other interests to consider and all these conflicting interests must be solved by a deliberative body. May I ask, Sir, if the Commission had been composed of Indians, brown people and not white people, would the Swaraj party have agreed to that composition? They would surely say that it was not a representative body. Their report too would have been

submitted to Parliament, the ultimate authority; *therefore this recommendation of theirs would go for nothing unless accepted by Parliament.* Whether we want a Round Table Conference or similar other things, it is all the same; you are bound to be controlled by the final verdict of Parliament unless, of course, in the meantime, you assert your independence and get outside the British realm. Therefore, Sir, in whatever way we look at the question, you will have to abide by the decision of Parliament. It may be you will not co-operate with the Commission for the first time but you are sure to come over to it in time. In the first Reformed Council, the non-coperators and the swarajists held aloof but in the second Council they all sought election, and I say that the same thing will happen again also. The Simon Commission will submit their report and the Parliament will enact a new Constitution and you will come back again, save that you will say that you have come to non-co-operate from within, which, however, means nothing but co-operation. Of course in the first place opposition was justified but I say that that opposition should not go beyond legitimate bounds. It is true that many of our illustrious countrymen are on the other side; they know the real state of the country; they can do much good to the country by co-operation. Let the Hindus and Muhammadans frame a constitution of their own and let them submit it to the Simon Commission and if you can come to a unanimous conclusion over the constitution I am sure the British Parliament will be the last body to reject it.

Khan Bahadur Maulvi EKRAMUL HUQ: I think it is more than 6 years that I had the honour and privilege of moving in this House for the immediate appointment of the Statutory Commission and to-day the Hon'ble the Nawab Bahadur has brought in a motion to the effect that this Council recommends to the Government that steps be taken to give effect to the proposal of the Statutory Commission that a Committee of the Legislative Council be appointed to assist the Commission. To this several amendments have been moved and one of them is to the effect that the consideration of the resolution be postponed *sine die.* There are two other amendments that have been tabled, one from my friend and leader, Mr. A. K. Fazl-ul Huq and the other from my revered leader, Sir Abd-ur-Rahim, which is of some importance to us and I shall revert to these later.

So far as the first resolution is concerned it means that the proposers want to boycott the Commission. It is for us to decide what should be our attitude with regard to the Commission. It has been said by previous speakers that by not taking our own countrymen on the Commission, England has attempted to heap insult on India. There is no doubt that when the personnel of the Commission was first announced India was not a little surprised and I am sure many of the leaders of

this country who had hoped to be on the Commission were not only surprised but also shocked. Whatever it may be, there was a wave of discontent throughout the country and meetings were held all over, some protesting against the personnel of the Commission and others denouncing it as a deliberate insult to India. To this the answer given by important personages in England and in India shows that England had never meant nor would ever mean any insult to India. Then they in their own way attempted to devise means to enable the people of the country to co-operate with them on equal terms. Sir, one side of the shield has been painted by my friends over there and it may be said in support of Government that there were various difficulties in the way of Parliament when they had to consider the question of the appointment of the Commission. Is it not a fact that India has diverse interests and divergent views? India is inhabitated by people who have their own particular interests to protect. For instance, if a person from Bombay, say, Mr. Jinnah, was appointed to the Commission would the people of Bengal have taken him to be a real representative of Bengal? There are so many provinces in India that it does not seem possible to select a few representative Indians to sit on that body, and as the needs of each province are various and diverse it was not at all possible that any of the provinces could be fully represented on the Commission itself. This is one thing that could be said in favour of the Commission and the exclusive character of the Commission. Another thing that may be said in its favour is that the Commission, immediately it got the hint that the people of the country were not satisfied with its personnel, tried in its own way to devise means to give the central legislature and the provincial legislatures as well, equal powers to deal with the evidence and come to a conclusion. Not only that, the provincial legislatures were also given enough powers of cross-examining persons and also of submitting their report. That is what they did to mend matters, and it is for us to decide whether the particular things which they have done are of sufficient importance to the House to enable them to vote for the formation of a Committee of this House to assist them.

Another thing that can be urged by the members here is what effect it will have on the future constitution of India if we in a body were to boycott the Commission. Will Government leave India bag and baggage? No answer is needed to this question. Sir, Muhammadans have to look upon this question from their own standpoint. If there were complete boycott of the Simon Commission, if it was possible for the Hindus and Hindus of the Hindus Mahasabha, the non-Brahmins, the Sikhs and the Muhammadans all to join and try to boycott the Commission, and they had succeeded in doing so, then surely it might have been right and proper for every one in this House to consider that matter and join in the boycott.

6-45 p.m.

But as matters stand, various bodies in the country have considered it fit to co-operate with the Commission. Will it be right for us in this Council, will it be right for our Muhammadan countrymen, to boycott this Commission? If they boycott the Commission, the result will be that they will not be able to represent their grievances, from which they have suffered so long. It seems to me absolutely necessary that the Muhammadan community in particular should see to it, whether it is not their incumbent duty to unite and lay their grievances before the Commission for redress.

Sir, if it were possible for our countrymen to arrive at a decision at a joint conference of Indian leaders, I for one would have been very pleased to follow their dictates. Unfortunately, in spite of the deliberations of the All-India Congress Committee for months together, they have not been able to come to any conclusions (Cries of "Question"). I would very much like that I am not correct in my statement. I very much wish that they had come to a satisfactory conclusion by this time—that that august body had actually come to real conclusions which would have permanently settled the relationship which should exist between the different communities that inhabit this land. Sir, there are diverse matters which must have been engaging the attention of this body, and I am afraid that the various leaders who constitute that body have not been able to see eye to eye with each other. (Cries of "Question"). Unfortunately, all these Statesmen of our country have not been able to find out the possibility of coming to terms—to give to Cæsar and to deliver unto Cæsar what is Cæsar's is not written in the books of some of them. It is selfishness on our part that has so long kept us away from our cherished goal—Swaraj. If one brother were actually to take away whatever the father leaves, the other brothers cannot complacently look on. If the backward communities inhabiting this country make demands for wresting from the advanced communities privileges which the latter have been enjoying so long, then they (the latter) should have sense and wisdom enough to recognise the legitimacy of the demand and to accede to it. I am afraid, Sir, there are certain politicians in this country who would on no account deliver unto Cæsar what is Cæsar's. They would, on the other hand, try to see that they get more and more, so much so, that this land is left entirely to them and them alone. Constituted as the joint conference was, I am afraid it was not able to formulate any unanimous proposal, and I think it will take years for the joint conference to arrive at any real solution of the whole matter. So, Sir, the House has to consider whether, since we Indians have not been able to come to any definite conclusion, it is not right and proper that the Commission, which is composed of impartial people, should look into these matters, hear our grievances, and decide on the best course to be followed.

It is said in some quarters that the Simon Commission will be absolutely of no use to this country: it will not grant to the country its legitimate rights: it will not accede to the legitimate aspirations of the people. Sir, the proof of the pudding is in the eating, and if the Simon Commission do not actually grant to the people of this country what they ought to get, then the country certainly knows how it should act towards the Commission, and towards the people who have sent out the Commission. The Commission itself is composed of the best brains of England, and it cannot be said that they have lost all sense of decency and of justice so as not to accede to the legitimate demands of the people of this land. If they do not have these qualities they ought not to have come out here. If they fail to recommend full responsible government for my countrymen, then certainly my countrymen in a united manner can make England to accede to all their demands.

Sir, it seems to me necessary that we should make the best use of the situation and place our case jointly before the Commission. Of course, my friends opposite will not like to do so on principle, but let others do so, and let all of us wait and see what the Commission actually do and let us hope in the interest of India and England that they would do what is right and nothing but right.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, never since the last general election have we been asked to come to a decision on a question of such momentous importance than to-day, when we have been asked to decide whether we should appoint a Committee to assist, and to work as colleagues of, the Simon Commission. It is necessary for some of us to explain our view point, so that the country at large may understand the position we take up in regard to this question. I may tell you at once, Sir, that one of the main reasons why the Mussalmans generally feel that they should not boycott the Commission, is that ever since the beginning of British rule in this country they have been boycotting every British institution with the most disastrous consequences to themselves. They boycotted the University, they boycotted the public services, they did not take advantage of the political rights of the people, with the result that they are now in a most unfortunate position. And to-day most of the Mussalmans feel that it is no longer right or possible for them, till they are able to gather strength, till they are sufficiently able to educate themselves, till they are able to meet on equal terms the members of the other community, to effectively boycott any existing institutions of this country. Sir, it might be said that this is the point of view of only some individual persons, but I can assure you that it is not merely the point of view of a few of us, but the point of view of the entire Mussalman community as we read it. Even though some of us may feel that a very great wrong has been done to this country by the manner in which the personnel of the Simon Commission has been

selected, we are not justified in declaring a boycott, with the history of the last election being still before us. The Mussalmans non-co-operated with the existing institutions, they sent up a very large number of swarajist members in the election of 1923, but in the election of 1926 all Mussalmans who had the least tinge of constitution-wrecking in them, were hounded out one after another. That shows that so far as the Mussalman community is concerned, they are anxious that the present constitution, whatever may be its worth, should be worked.

Mr. SUBHAS CHANDRA BOSE: Would you seek an election now?

Khan Bahadur Maulvi AZIZUL HAQUE: I am quite prepared to seek an election and fight it out. I am not at all unprepared for it, and I emphatically declare that something better is necessary to convince me that the Mussalmans as a community want that the constitution should not be worked. I know my own country, I know my own constituency, and I can assure you that so far as our constituents are concerned, they have not declared in favour of the boycott. (A VOICE: What about the recent Nadia election?) Sir, I do not deny that the members who hold different views from me are justified in so holding in the best interests of the country. But patriotism is not the monopoly of any particular party in this country. Each and every one of us is interested in the welfare of the country. We have been bred and brought up in this country, we breathe its atmosphere and we are interested in its progressive development as anybody else. But it is because we suffer from the realities of the situation and because we are intimately connected with life in the mufassal, where we daily meet with practical difficulties, that we consider it essential that the present constitution should be worked in spite of what you might indulge in the atmosphere of Calcutta. (Hear, Hear.) Sir I want to know why my friends of the Swaraj Party have come to this Council. They have come to this Council, because they want to take advantage of the present constitution, however bad it might be, with a view to work it for the good of the country. I am taking up the same position. The swarajist is doing it by adopting the doctrine of negation, while I am doing it by working the constitution. But simply because I want to work the constitution, motives are being freely ascribed to me and men of my views. Sir, freedom can be achieved when each and every-one of us is given his due share; it is easy to ascribe motives and to say that we have been doing all in our own selfish interests. Sir, we are not fools. We know the risk we are taking in holding such views as we do. Most of us who want to work the constitution, will to-morrow be declared as traitors to our country and it will be trumpeted abroad that we have sold our birthright for the proverbial mess of pottage. But we believe in our heart of hearts that while there is one set of people who have to hold up advanced ideals before the country, there should

be another set of people who should be prepared to work out the constitution for what it is worth. Sir, I am neither non-co-operating nor co-operating with the Commission. I have come here neither to co-operate nor to non-co-operate with the Council. The Simon Commission is a machinery and we want to work it. Possibly we may not gain anything out of it. Many such Commissions have come and gone without doing any good to us. But it is in the expectation that we may get something better, that some further rights may be given to us, that we want to go up before the Commission in order to tell them what our difficulties are. My friend Babu Jogindra Chandra Chakravarti has pointed out that there is famine in the country and that Government has not done anything to alleviate the misery of the people. I may tell him that that is the very reason why he should go to the Commission to get the present system of government mended. I personally feel, Sir, that the present system of government is such that it requires revision at an early date, but this revision is only possible by working the institutions which have been granted to us. I however do not agree with some of my friends who maintain that it is only Parliament that can give us freedom: Freedom can only be achieved by our own efforts.

Mr. PRESIDENT: Order, order. The time is up. Khan Bahadur, you can resume your speech to-morrow, if you like.

Adjournment.

The Council was adjourned till 3 p.m., on Tuesday, the 10th July, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 10th July, 1928, at 3 p.m.

Present:

The Hon'ble the President (Raja MANMATHA NATH RAY CHAUDHURI, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 126 nominated and elected members.

Notices for adjournment of the business of the Council.

Mr. PRESIDENT: Order, order. Three members of the Council have sent in notices for adjournment of the business of the Council to discuss the situation arising out of famine conditions in Bengal. Materials have now been placed before me sufficient to convince me that the matter is really of great urgency owing to the immediate approach of the sowing season. I have therefore decided, in view of the representations made to me yesterday, that it would be right for me to consent to the making of a motion for adjournment for the purpose of discussing the matter referred to, and my decision was conveyed to the three members in letters issued this morning. I have taken steps to have His Excellency informed, and he has been pleased to allot Wednesday, the 11th instant, for a further meeting of the Council at which this motion may be discussed. The formal written consent referred to in section 82 of the Rules and Standing Orders will accordingly be given by me to the members who have tabled these motions to-morrow, so that they can proceed with the motions on that date.

I would like to place before this House certain facts with regard to this motion for adjournment with a view to refute misrepresentations, and to remove misunderstanding which may exist in connection therewith. This House is aware that I disallowed two motions for adjournment similar to the one under review, and I said that sufficient materials had not been placed before me to justify my upsetting the settled programme of the Council in the light of the existing rules. I enquired and was told that the Legislative Department was also not in possession of any information which would help me to admit those motions, and the members of the Swaraj party

of this Council, who discussed with me this matter in my private chamber yesterday, were convinced by me that the materials before me were not sufficient. I advised them to draw up very carefully a memorandum of facts and figures bearing on the subject, and I promised that I would give a day for the discussion of the matter, if I found in that memorandum sufficient materials, indicating the urgency of the matter, to an extent which would bring it within the scope of section 79 (Rule 11). I am glad that my advice was taken, but I am sorry that these facts were not given by them to other members of their party before the proceedings commenced yesterday, as I think that would have made some of their followers, who occupy the back benches, more discreet and more anxious to maintain the dignity of the House when this matter was raised by Mr. Chatterjee yesterday, on a point of order, and would have restrained a section of the Press from misrepresenting my attitude towards the famine.

Starred Questions

(to which oral answers were given).

Water-hyacinth.

*16. **Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state—

(*a*) whether any scheme has been framed for the eradication of the water-hyacinth pest;

(*b*) whether it is in the contemplation of Government to introduce any legislation for the purpose? If so, when; and

(*c*) what steps, if any, the Government intends to take to fight the evil?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Sir Provash Chunder Mitter): (*a*), (*b*) and (*c*) A draft scheme has been prepared by the Minister in charge of the Department, but the financial and legislative aspects of the scheme are being examined by Government.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to give us an approximate date by which the Government expect to take action in this matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: It is not possible for me at the present moment to give any date.

Mr. P. N. CUHA: Will the Hon'ble Minister be pleased to state if there is any possibility of Government finishing the examination of this scheme before the next budget?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not in a position to say that, but I can assure you every endeavour will be made to finish it as quickly as possible.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state when the last scheme was prepared?

The Hon'ble Sir PROVASH CHUNDER MITTER: This is a matter which I cannot disclose.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether Government have not been preparing some scheme or other for the last three years, and have not taken any action on them?

The Hon'ble Sir PROVASH CHUNDER MITTER: During the last two years or more Government have been endeavouring its best to solve this very difficult problem. Members in this House are aware that my predecessor in office called a Conference in Dacca in which members from every part of the province, and of all shades of opinion, were invited, and certain proposals were then made. Any scheme can be placed on paper, but everyone ought to appreciate that it is not as easy as it seems: other provinces have tried and failed. If you want a mere paper scheme, I can get one ready in no time, but if you want an effective scheme, you must give us some time. In the meantime, any helpful suggestions or scheme that can be put forward will be welcome.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that so far back as 1924 suggestions were made and schemes were considered by a Government Committee, and everything was ready for action? If this was so, why was nothing done?

The Hon'ble Sir PROVASH CHUNDER MITTER: No scheme was prepared in 1924. A Committee was appointed, that Committee submitted its report, but no action was taken on that report as the Committee itself pointed out that the scheme proposed was not for the eradication of the pest from the province as a whole, but merely touched the fringe of the problem.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that the scheme that was prepared by that Committee did receive sanction from the then Governor of the province, Lord Lytton, and yet afterwards it was not put into action? Can he give us any information why no action was taken?

The Hon'ble Sir PROVASH CHUNDER MITTER: As far as I remember—I am stating this in order to save time, as I must have fresh notice of this to enable me to further examine the facts—no definite scheme with necessary details was prepared in 1924.

Distress in Khulna.

*17. **Srijut NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Member in charge of the Department of Revenue (Land Revenue) aware that acute distress prevails in portions of the Khulna district?

(*b*) Is it a fact that the Commissioner of the Presidency Division made a tour of that tract of the country in May last?

(*c*) If so, will the Hon'ble Member be pleased to publish the result of his inspection and the report, if any, submitted by him?

(*d*) What measures do the Government intend to take in the matter?

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) (the Hon'ble Sir Nalini Ranjan Chatarji): (*a*) There is distress in portions of the Satkhira subdivision and a small part of the Sadar subdivision. Except among families who have no male members it can hardly be considered acute. The total area affected is 180 out of 4,675 square miles.

(*b*) Yes.

(*c*) and (*d*) No special report was submitted by the Commissioner. At the time of the Commissioner's inspection the District Board had already spent Rs. 4,000 on road-making in the distressed areas. The Commissioner arranged that these works should continue as test works as long as people wanted employment. In order to increase the resources of the Board the augmentation grant was increased by Rs. 8,000 and other ways of helping them are also under consideration. Rupees 39,500 was issued by Government as Agricultural Loans and Rs. 5,000 supplemented by private contributions was made available for gratuitous relief. The District Board are also opening poor-houses at two centres.

Rai HAREHDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state whether the amount Rs. 39,500 was granted by Government as agricultural loans in the affected area?

The Hon'ble Sir NALINI RANJAN CHATARJI: Yes.

Mr. P. C. BASU: Will the Hon'ble Member be pleased to state whether that sum or any portion of it has been spent in the affected area?

The Hon'ble Sir NALINI RANJAN CHATARJI: Yes, the whole amount.

Dr. J. M. DAS GUPTA: Will the Hon'ble Member be pleased to state in detail the areas of the different thanas affected?

The Hon'ble Sir NALINI RANJAN CHATARJI: I want notice of this.

Dr. J. M. DAS GUPTA: Has the Hon'ble Member any idea regarding the total number of people affected?

The Hon'ble Sir NALINI RANJAN CHATARJI: I have no idea.

Dr. J. M. DAS GUPTA: Will the Hon'ble Member kindly state if he has any idea of the total number of people who are on one meal a day, or one meal every alternate day?

The Hon'ble Sir NALINI RANJAN CHATARJI: No.

Dr. J. M. DAS GUPTA: Will the Hon'ble Member be pleased to state his ideas with regard to the standard of distress.....

Mr. PRESIDENT: I do not allow that question. Next question please.

Mr. KIRAN SANKAR ROY: On a point of order, Sir, as one of the back-benchers eager to uphold the dignity of the House, may I know if it is right for you who are equally eager to uphold the dignity of the House, to pass on to the next question while a member is still standing to put a supplementary question?

Mr. PRESIDENT: You are making your point quite pungent Mr. Roy. You are not supposed to deliver a speech, but you have to state your point as briefly as possible.

Mr. KIRAN SANKAR ROY: As one of the back-benchers eager to uphold the dignity of the House and to assit you in upholding the dignity of the House, may I know if it is right for you to pass on to the next question when members are standing to put supplementary questions?

Mr. PRESIDENT: You have repeated the same thing. I must discourage the idea of any member criticising the decision of the Chair in that fashion. When I said that I had gone over to the next question the member had no right to put any more supplementary questions, and you should not have raised any point of order in connection therewith in the manner you have actually done.

Babu JITENDRALAL BANERJEE: On a point of privilege, Sir, and as briefly as possible.....

Mr. PRESIDENT: There is no such thing in my dictionary as a point of privilege.

Babu JITENDRALAL BANNERJEE: Point of order is a point of privilege. Are you justified in taking away our right of putting supplementary questions by passing on to the next question?

Mr. PRESIDENT: What makes you think like that? I have already told you that I had gone on to the next question. I dare say I did that after a reasonable pause.

Babu JITENDRALAL BANNERJEE: It is a question of facts and a question of our rights. You will permit me to persist. My point is that you can always stop a question being put if it is an abuse of the right of putting supplementary questions, but whether it is an abuse or not, you cannot determine until the question has been put.

Mr. PRESIDENT: Although I strongly deprecate the idea of members criticising rulings given by the Chair, I would answer your question by putting a question to you myself. Do you honestly think that it is possible for me to allow any member to put a supplementary question when I have gone over to the next question?

Rai HARENDRANATH CHAUDHURI: Is it not your duty to see that members who are anxious to put supplementary questions are given an opportunity of doing so?

Mr. PRESIDENT: It is my duty to see that every member, who seizes his opportunity at the right moment, is able to put supplementary questions. I have already given my decision, and I think that in the present case I was perfectly right in going over to the next question.

Maulvi NURUL HUQ CHAUDHURI: On a point of order, Sir, will you kindly enlighten the House what is the period of duration which is ordinarily observed after a question has been answered.....

Mr. PRESIDENT: That question does not arise.

Mr. P. C. BASU: May I know whether the member who asked the original question is not entitled to put a supplementary question?

Mr. PRESIDENT: Mr. Basu, you are making a mistake. I never said that Mr. Sen was not entitled to put a supplementary question; for the matter of that every member is entitled to put supplementary questions. You must have seen that I have been very, very lenient to your side of the House so far as these supplementary questions are concerned. (Cries of "Question, question.") All that I said was that I had gone over to the next question, and therefore could not allow any more supplementary questions being put.

Distress within the Presidency.

*18. **Maulvi KASIRUDDIN AHAMAD:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state—

(*i*) the names of the places with the approximate number of persons within the Presidency that are already in distress and suffering from scarcity or want of food;

(*ii*) the steps, if any, taken by the Government to alleviate the distress and suffering of the people of those areas;

(*iii*) the amount of money, if any, set apart and the amount already spent by the Government for each of these affected areas; and

(*iv*) whether the Government have ascertained any causes of such distress and suffering of the people of these affected areas?

(*b*) If any causes have been ascertained, what are they?

The Hon'ble Sir NALINI RANJAN CHATARJI: (*a*) (*i*) Parts of the districts of Burdwan, Birbhum, Bankura, Nadia, Murshidabad, Dinajpur, Malda and Khulna have been more or less affected by distress. The total population of the areas affected is about 12 lakhs.

(*ii*) A reference to the *communiqué* issued by Government on 21st May, 1928, will show what action has been taken by Government.

(*iii*) A statement showing the amount sanctioned by Government for loans and relief in the districts affected is enclosed.

(*a*) (*iv*) and (*b*) Yes, *vide* the *communiqué* of 21st May, 1928.

Statement referred to in the reply to clause (a) (iii) of starred question No. 18.

Amounts allotted for affected areas since the last winter (1927) up to 4th July 1928.

	Land improvement loans.	Agricultural loans.	Relief works.	Gratuitous relief.
	Rs.	Rs.	Rs.	Rs.
Burdwan	46,000	1,00,000	....	....
Birbhum	60,010	1,21,460	42,000	14,000
Bankura	21,290	80,000	30,000	12,000
Nadia .. .	7,000	60,000	6,000	....
Murshidabad	5,400	1,08,840	74,010	4,000
Khulna	....	54,500	....	....
Dinajpur .. .	12,000	2,67,201	77,000	4,000
Malda ..	11,500	87,000	1,40,000	4,000

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state how it is that there is a discrepancy in the figures given in reply to this question compared with the reply given in the previous question? In the previous question, it is stated that the amount given by Government on agricultural loans was Rs. 39,500 in Khulna; in this question, the amount stated against Khulna for agricultural loans is Rs. 54,500. Will the Hon'ble Member explain the discrepancy?

The Hon'ble Sir NALINI RANJAN CHATARJI: The balance has been given previously.

Rai HARENDRANATH CHAUDHURI: Previous to what?

The Hon'ble Sir NALINI RANJAN CHATARJI: Before there was a scarcity.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state whether it is a fact that much of the agricultural loans, stated here to have been given to the other districts, were given previous to the present scarcity?

The Hon'ble Sir NALINI RANJAN CHATARJI: In the case of the other districts, there was scarcity some time ago, whereas in the case of Khulna the scarcity developed only recently.

Rai HARENDRANATH CHAUDHURI: How is that the whole amount of Rs. 54,500 is mentioned as the loan given for the relief of scarcity in Khulna?

The Hon'ble Sir NALINI RANJAN CHATARJI: Rs. 5,000 was given to the *khas mahal* tenants in distress. (Cries of "Hear, hear.")

Rai HARENDRANATH CHAUDHURI: Do I understand then that the agricultural loans given to *khas mahal* tenants in the other districts have been included in these figures?

The Hon'ble Sir NALINI RANJAN CHATARJI: No.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state why it is that an exception has been made in the case of Khulna?

The Hon'ble Sir NALINI RANJAN CHATARJI: In Khulna this amount was given because an embankment there gave in; therefore, the money was spent there.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state whether the *khas mahal* is within the area included in the answer to question 17? Is it a part of the affected area?

The Hon'ble Sir NALINI RANJAN CHATARJI: Yes.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state how it is that in spite of the fact that Khulna people have contributed Rs. 5,000 towards gratuitous relief, Government has not supplemented that relief by any contribution under the head "Gratuitous relief."?

The Hon'ble Sir NALINI RANJAN CHATARJI: Government will give the necessary relief after the amount is spent.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state why, in view of the answer given to the first part of question 18, that Khulna is along with the other districts of Burdwan, Birbhum, Bankura, etc., more or less affected by distress, no provision for gratuitous relief has been made for the affected areas in Khulna?

The Hon'ble Sir NALINI RANJAN CHATARJI: It has not been asked for by the local officers.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to state whose duty it is to provide for gratuitous relief? Is it the duty of Government or of the local officers?

The Hon'ble Sir NALINI RANJAN CHATARJI: Any grant by the Local Government for gratuitous relief is based on a demand by the local officers.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be to state whether it is a fact that the District Magistrate of Khulna asked for contributions from the public, and in spite of that fact he did not ask for any help from Government?

The Hon'ble Sir NALINI RANJAN CHATARJI: He has not yet asked for gratuitous relief.

Mr. P. C. BASU: Will the Hon'ble Member be pleased to state, so far as Burdwan is concerned, how many persons are affected?

The Hon'ble Sir NALINI RANJAN CHATARJI: I can't say.

Mr. P. C. BASU: Will the Hon'ble Member be pleased to state why it is that no gratuitous relief has been sanctioned for Burdwan?

The Hon'ble Sir NALINI RANJAN CHATARJI: It was not asked for by the local officers.

Mr. P. C. BASU: Will the Hon'ble Member be pleased to state whether it is not a fact that the Collector and Commissioner of Burdwan are asking for famine relief from everybody, and are not asking Government for it?

The Hon'ble Sir NALINI RANJAN CHATARJI: The answer to the first part of the question is in the affirmative; to the second part, in the negative.

Srijut BIJAY KUMAR CHATTERJEE: Is the Hon'ble Member aware that the steps taken by Government are quite inadequate to meet the situation?

The Hon'ble Sir NALINI RANJAN CHATARJI: That is a matter of opinion.

Attiah Forests.

*19. **Babu AMARENDRA NATH GHOSE:** Will the Hon'ble Member in charge of the Department of Revenue (Forests) be pleased to state the names of the landlords with their respective shares in the Attiah *pahar* of the Tangail subdivision, who agreed to make over the forest of the said *pahar* to the control of the Government?

MEMBER in charge of DEPARTMENT of REVENUE (FORESTS) (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): The names of proprietors with their respective shares, who agreed to make over the Attiah Forests to Government for management, are given below:—

Schedule showing the names of proprietors and their respective share who have signed the application to Government for taking over the management of Attiah Forests.

		A.	g.	kr.	kt.	til.	dt.	dh
1.	Dacca Nawab Estate	6	15	2	1	0	0	0
2.	General Manager, Karatia Ward's Estate	1	1	0	0	13	0	0
3.	General Manager, Gayhata Ward's Estate	0	10	0	0	0	0	0
4.	Sayed Nawab Nawab Ali Chaudhuri	0	1	3	0	0	0	0
5.	Sayed Nur Ahamed Hoshen Chaudhuri Sayed Muhammad Hoshen Chaudhuri	0	6	2	1	4½	0	0
6.	Babu Surendra Prosad Lahiri Chaudhuri	0	10	0	0	0	0	0
7.	Sayed Khan Chaudhuri	0	0	2	1	6	0	0
8.	Rahimannessa Khanum Chaudhurani	0	0	0	1	14	0	0
9.	Rai Prionath Roy Chaudhuri Babu Nripendra Nath Roy Chaudhuri Babu Jitendra Nath Roy Chaudhuri	0	4	2	2	0	0	0
10.	Babu Harendra Kumar Roy Chaudhuri Rai Mohan Roy Chaudhuri Babu Rebati Mohan Roy Chaudhuri Babu Nagendra Nath Roy Chaudhuri Babu Kali Proshanna Roy Chaudhuri Babu Syma Proshanna Roy Chaudhuri Babu Guro Proshanna Roy Chaudhuri Babu Hari Proshanna Roy Chaudhuri Babu Radha Charan Roy Chaudhuri Babu Rama Nath Roy Chaudhuri Babu Haribala Nath Roy Chaudhuri Babu Debendra Nath Roy Chaudhuri Babu Janaki Nath Roy Chaudhuri Babu Satyendra Nath Roy Chaudhuri Babu Promatha Nath Roy Chaudhuri Babu Brojo Ballav Roy Chaudhuri Babu Susil Kumar Roy Chaudhuri Srimati Bhabani Sundari Roy Chaudhurani Babu Sorojendra Nath Roy Chaudhuri Babu Sudhirendra Nath Roy Chaudhuri Babu Samarendra Nath Roy Chaudhuri Babu Sankar Nath Roy Chaudhuri, represented by natural guardian and next friend mother Makhan Peri Chaudhurani by their attorney.	0	17	1	1	12	0	0
	Carried over	10	7	2	1	49½	0	0

		A.	g.	kr.	kt.	til.	dt.	dh
	Brought forward	10	7	2	1	49½	0	0
11.	Babu Monindra Mohan Roy Chaudhuri							
	Babu Narendra Mohan Roy Chaudhuri							
	Babu Sachindra Mohan Roy Chaudhuri							
	Babu Akshay Kumar Roy Chaudhuri							
	Babu Bhupendra Mohan Roy Chaudhuri							
	Babu Apurba Kumar Roy Chaudhuri							
	Babu Abinash Chandra Roy Chaudhuri							
	Babu Amulya Charan Roy Chaudhuri	0	3	3	1	8	0	0
	Babu Jyotish Chandra Roy Chaudhuri							
	Babu Satish Chandra Roy Chaudhuri							
	Babu Kshitish Chandra Roy Chaudhuri							
	Babu Suresh Chandra Roy Chaudhuri							
	Babu Harish Chandra Roy Chaudhuri, minor represented by natural gardian and next friend Unmadini Chaudhurani by their attorney Durganath Saha.							
12.	Maulvi Abdur Rahman Chaudhuri	0	1	1	1	0	0	0
13.	Asia Khatun Chaudhurani	0	0	1	1	12½	0	0
14.	Babu Kamini Kumar Roy Chaudhuri							
	Babu Jashoda Kumar Roy Chaudhuri	0	0	0	0	16½	0	0
	Babu Ananta Kumar Roy Chaudhuri							
15.	Maulvi Abdul Haque Khan Chaudhuri	0	1	0	0	11	0	0
16.	Maulvi Ali Mohommed Khan Chaudhuri	0	5	3	0	0	0	0
17.	Maulvi Ali Mohommed Khan Chaudhuri	0	1	1	0	6	0	0
18.	Babu Jagot Hori Roy Chaudhuri							
	Babu Mohendra Kumar Roy Chaudhuri	0	1	2	0	19	0	0
	Babu Gogendra Chandra Roy Chaudhuri . ..							
19.	Babu Devendra Kumar Roy Chaudhuri	0	1	0	2	0	1	35
	Sm. Brinda Ranee Chaudhurani . ..							
		11	4	0	0	42½	1	35

Closing of the Courts of the District Magistrate of Bogra on certain occasions.

***20. Srijut NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Member in charge of the Department of Revenue (Land Revenue) aware that the District Magistrate of Bogra did not close his courts and offices and the courts and offices subordinate to him in spite of the receipt of Government orders to do so on the following occasions, namely:—

(*i*) the death of the Right Hon'ble Satyendra Prasanna Baron Sinha of Raipur; and

(*ii*) the death of the Hon'ble the Maharaja Kshaunish Chandra Ray Bahadur, of Nadia?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, the Government have taken in the matter?

The Hon'ble Sir NALINI RANJAN CHATARJI: (*a*) It has been ascertained that on both the occasions referred to the District Magistrate of Bogra closed the offices and courts immediately on receipt of Government orders.

(*b*) The question does not arise.

Srijut NAGENDRA NATH SEN: Is the Hon'ble Member aware that the District Magistrate of Bogra came to office on a particular day at 5 o'clock in the evening, and not earlier?

The Hon'ble Sir NALINI RANJAN CHATARJI: No.

Sub-Inspectors of Schools.

***21. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Department of Education be pleased to state the principle on which the rate of increment of the salaries of Sub-Inspectors of Schools was based when the time-scale of increment was introduced in 1921?

(*b*) Do the Government intend to revise the present system?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Nawab Musharruf Hosain, Khan Bahadur): (*a*) The time-scale of pay with the minimum of Rs. 75 and the maximum of Rs. 200 was fixed for Sub-Inspectors of Schools, taking into consideration the nature and importance of their duties. The rate of annual increment of pay in that time-scale was determined in accordance with the usual principle in such matters, *viz.*, that the maximum pay might ordinarily be reached by officers recruited for direct appointment as Sub-Inspectors of Schools in such time as to get the full benefit of pay at that rate in the matter of pension on retirement, at the age of 55 years.

(*b*) No.

High English School for Girls at Faridpur.

***22. Maulvi TAMIZUDDIN KHAN:** (*a*) Is the Hon'ble Minister in charge of the Department of Education aware that there is a great demand for a High English School for Girls at Faridpur?

(*b*) If so, whether the Government intend to raise the existing Middle English School for Girls at Faridpur to the status of a High School?

The Hon'ble NAWAB MUSHARRUF HOSAIN, Khan Bahadur: (*a*) and (*b*) A proposal has been received by the Director of Public Instruction for raising the Faridpur Middle English School for Girls to the status of a High English School. The matter is under his consideration.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Minister be pleased to state how long the matter has been under consideration?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I have got the file here. (Loud cheers.) The Inspector of Schools sent his report to the Director of Public Instruction on the 24th April 1928, and the Director has replied to that letter on the 12th May 1928.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Minister be pleased to state when a decision will be come to as a result of this consideration?

The Hon'ble Nawab MUSHARRUF HOSAIN, Khan Bahadur: I cannot say at present.

3-30 p.m.

Distress in the Balurghat subdivision.

***23. Babu JOGINDRA CHANDRA CHAKRAVARTI:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement regarding the distress in the Balurghat subdivision in the district of Dinajpur with particular reference to the following points:—

(*i*) approximate number of the people affected;

(*ii*) the amount sanctioned by Government for agricultural loans and the amount actually disbursed till the end of June, 1928;

(*iii*) the number of people who have received such loans and the terms on which the loans are being given;

(*iv*) whether the loans given are intended to enable the raiyat to purchase cattle and seeds and to maintain himself and his family;

(*v*) what amount have the Government sanctioned for test relief works carried on by the District Board, and what amount has been actually advanced up to the end of June;

(*vi*) what amount has been advanced by Government for gratuitous relief and how many people have actually received gratuitous relief till the end of June;

(*vii*) whether cases of death from starvation have come to the notice of Government and, if so, how many;

(*viii*) whether instances of attempts to commit suicide on account of pangs of hunger and sales of wife and children have come to the notice of the Government; and

(*ix*) whether the Government intend to declare the distress area as a famine area?

(*b*) If the answer to (*a*) (*ix*) is in the negative, will the Hon'ble Member be pleased to state what are the reasons for not doing so?

The Hon'ble Sir NALINI RANJAN CHATARJI: (*a*) (*i*) One hundred and fifty thousand persons affected.

(*ii*) A sum of Rs. 2,67,201 was sanctioned by Government for agricultural loan. A sum of Rs. 1,70,892 was actually disbursed up to 30th June, 1928.

(*iii*) Eight thousand five hundred and ninety people received agricultural loan till the end of June, 1928. The loan was given on joint and several liability at 6¼ per cent., repayable in 2 equal instalments on 1st February, 1930, and 1st February, 1931.

(*iv*) Loans were given to enable the raiyats to purchase plough cattle and seeds and not for maintenance.

(*v*) A sum of Rs. 74,000 was sanctioned by Government for test relief works carried out by the District Board. The entire amount has been advanced to the District Board.

(*vi*) Rupees 4,000 has been sanctioned by Government for gratuitous relief. This was supplemented by public subscriptions amounting to Rs. 8,231 which is being utilised in gratuitous relief; 1,244 persons actually received gratuitous relief in the week ending 26th June, and in the previous week 870.

(*vii* and *viii*) No such case has been reported to Government. There have, however, been allegations of such occurrences which, on enquiries, has been found not to be true.

(*ix*) No, in the present circumstances.

(*b*) The state of things which warrants the declaration of famine does not exist, *vide* section 68, Famine Code. The number of persons on test works is rapidly decreasing.

Maulvi KADER BAKSH: Will the Hon'ble Member be pleased to state whether the entire amount of Rs. 4,000 sanctioned by Government for gratuitous relief has been spent?

The Hon'ble Sir NALINI RANJAN CHATARJI: I do not know.

Maulvi KADER BAKSH: Is the Hon'ble Member aware that several persons including 3 widows, who were recommended for such relief by the Circle Officer, were refused by the Subdivisional Officer of Balurghat, Mr. Mallik?

The Hon'ble Sir NALINI RANJAN CHATARJI: I shall enquire into the matter.

Maulvi KADER BAKSH: Will the Hon'ble Member be pleased to state whether the seedling season, *i.e.*, the season for sowing seeds, has been over by this time, and will the Hon'ble Member be pleased

to state whether the entire amount of Rs. 2,67,201, sanctioned by Government for agricultural loans, has been paid up to the 30th June 1928?

The Hon'ble Sir NALINI RANJAN CHATARJI: The seedling season is not yet over, and loans are still being advanced.

Maulvi KADER BAKSH: Is the Hon'ble Member aware that I informed the Hon'ble Mr. Prentice, the Hon'ble Member in charge, and His Excellency the Governor, that the period of sowing seeds would be over by the 30th June? If so, was any enquiry made of the local officers?

The Hon'ble Sir NALINI RANJAN CHATARJI: I am not aware of it.

Maulvi KADER BAKSH: Will the Hon'ble Member be pleased to state the reasons why the entire amount was not advanced?

Mr. PRESIDENT: I do not allow that question.

Babu JOGINDRA CHANDRA CHAKRAVARTI: With regard to answer (*iv*) *viz.*, that loans were given to enable the raiyats to purchase plough, cattle and seeds and not for maintenance, is the Hon'ble Member aware that the amount given out as loans were totally insufficient to enable the raiyats to purchase plough cattle and seeds?

The Hon'ble Sir NALINI RANJAN CHATARJI: No.

Babu JOGINDRA CHANDRA CHAKRAVARTI: Will the Hon'ble Member be pleased to state the reason why loans were not given for maintenance?

The Hon'ble Sir NALINI RANJAN CHATARJI: That is the practice.

Babu JOGINDRA CHANDRA CHAKRAVARTI: Will the Hon'ble Member be pleased to state if there is any legal bar to loans being given for maintenance?

The Hon'ble Sir NALINI RANJAN CHATARJI: No, but Section 41 of the Famine Code does not provide for that.

Babu JOGINDRA CHANDRA CHAKRAVARTI: With reference to answer (*vii*), that no such case has been reported to Government, will the Hon'ble Member be pleased to state if the Government takes notice of newspaper reports regarding deaths from starvation?

Mr. PRESIDENT: I do not allow that question.

Babu JOGINDRA CHANDRA CHAKRAVARTI: With regard to my question as to whether it was brought to the notice of Government the deaths from starvation, may I know whether the attention of Government was drawn to the death reports which appeared in the *Forward* of the 1st June, mentioning the names and addresses of the villagers?

The Hon'ble Sir NALINI RANJAN CHATARJI: It is not in order for a member to ask a question based on a newspaper report.

Mr. PRESIDENT: I must tell the Hon'ble Member that there is no such rule which helps the decision, but it has always been the practice in this House that questions or anything for the matter of that based on newspaper reports are not to be permitted. If the Hon'ble Member likes, he may not answer this question.

Rai HARENDRANATH CHAUDHURI: Is it not the practice, Sir, to allow the framing of questions on newspaper reports, if the member putting that question takes personal responsibility for correctness?

Mr. PRESIDENT: Quite so, it is permissible when the member makes himself responsible for its accuracy.

Babu JOGINDRA CHANDRA CHAKRAVARTI: With regard to my question whether cases of death from starvation were brought to the notice of Government, am I not entitled to know whether the attention of Government was drawn to the deaths from starvation published in the newspaper on the 1st of June?

Mr. PRESIDENT: It is desirable and also essential that a member should verify a report which appears in a newspaper before he bases his question on it. He must make himself responsible for its accuracy.

Babu JOGINDRA CHANDRA CHAKRAVARTI: Am I entitled to have that information from Government?

Mr. PRESIDENT: What is your question?

Babu JOGINDRA CHANDRA CHAKRAVARTI: My question is whether the cases of deaths reported in the *Forward* of 1st June were noticed by Government.

Mr. PRESIDENT: Do you take personal responsibility for the correctness of the report?

Babu JOGINDRA CHANDRA CHAKRAVARTI: I do.

Babu JITENDRALAL BANNERJEE: The question is, whether the attention of Government has been drawn to the newspaper report?

Mr. PRESIDENT: The Hon'ble Member may answer Mr. Chakravarti's question if he likes?

The Hon'ble Sir NALINI RANJAN CHATARJI: The attention of Government was drawn to most of the reports which appeared in the newspapers, but I cannot say whether the attention of Government was drawn to this particular report.

Babu JOGINDRA CHANDRA CHAKRAVARTI: May I further inquire as to how many cases of allegations of death from starvation have been found to be untrue?

Mr. PRESIDENT: I doubt if the question is reasonable, for the simple reason that it is, perhaps, impossible for the Hon'ble Member to give offhand, the exact number of such cases.

Babu JOGINDRA CHANDRA CHAKRAVARTI: Will the Hon'ble Member be pleased to state who made these inquiries?

Mr. PRESIDENT: That question is reasonable and relevant.

The Hon'ble Sir NALINI RANJAN CHATARJI: The local officers.

Babu JOGINDRA CHANDRA CHAKRAVARTI: Did the Collector make the inquiries, or anybody else?

The Hon'ble Sir NALINI RANJAN CHATARJI: I cannot say.

Babu JOGINDRA CHANDRA CHAKRAVARTI: May I know what the result of the inquiry was?

The Hon'ble Sir NALINI RANJAN CHATARJI: If I can get the particulars, I can give the answers.

Dr. J. M. DAS GUPTA: Will the Hon'ble Member be pleased to state what number out of these 150,000 people, who were really needy, received the agricultural loan?

The Hon'ble Sir NALINI RANJAN CHATARJI: I cannot possibly say. I have already stated in my answer the number 8,590.

Dr. J. M. DAS GUPTA: Will the Hon'ble Member kindly state how is it that if only about 8,000 people received agricultural loan, out of a total number of 150,000, the rest received any help?

The Hon'ble Sir NALINI RANJAN CHATARJI: The number 8,590 represents not individuals but families.

Dr. J. M. DAS GUPTA: Will the Hon'ble Member be pleased to state how many members go to make a family?

Mr. PRESIDENT: I do not allow that question.

Maulvi ABDUL KARIM: Will the Hon'ble Member be pleased to state whether the decrease in the number of persons employed on test works is due to the fact that there has been decrease in distress, or that the people are getting too exhausted to be able to do any work?

The Hon'ble Sir NALINI RANJAN CHATARJI: The people are now engaged on cultivation.

Crop prospects in certain parts of Khulna.

*24. **Srijut NAGENDRA NATH SEN:** (*a*) Is the Hon'ble Member in charge of the Department of Revenue (Land Revenue) aware that there is a portion of the Khulna district (Satkhira and portion of the Sadar subdivision) which was described in Khulna Collector Mr. Vincent's Famine Report of 1897 as a "permanent famine area?"

(*b*) Is the Hon'ble Member aware that irrigation of this portion has been rendered impossible owing to the silting up of the Mathabhanga at the place where it takes off from the Ganges?

(*c*) Is the Hon'ble Member aware that owing to this fact the Kobadak and the Betna rivers are not supplied with any fresh sweet water of the Ganges?

(*d*) Is it a fact that this causes the inrush of the salt water, making cultivation impossible in the "famine area"?

The Hon'ble Sir NALINI RANJAN CHATARJI: (*a*) This portion of the district is not described as a permanent famine area in Mr. Vincent's report.

(*b*) Yes.

(*c*) Yes.

(*d*) It is understood that if there is plenty of rain in June and July, the salt is washed out of the soil, and provided there are sufficient embankments and sluices, the prospect of good crops is not hopeless in any area.

Rai HARENDRANATH CHAUDHURI: What particular area has been described by Mr. Vincent as a permanent famine area in Khulna?

The Hon'ble Sir NALINI RANJAN CHATARJI: The Hon'ble Member is referred to the report.

Rai HARENDRANATH CHAUDHURI: I submit, Sir, that the reply is not in order. The question was whether the area comes within the area described by Mr. Vincent as the permanent famine area. Government has avoided answering it by saying that it is included. I ask whether the Hon'ble Member in charge has any idea of the area or not?

The Hon'ble Sir NALINI RANJAN CHATARJI: I cannot say.

Rai HARENDRANATH CHAUDHURI: With reference to (*d*) will the Hon'ble Member be pleased to state when is the proper sowing season?

The Hon'ble Sir NALINI RANJAN CHATARJI: I understand that transplantation goes on up to July.

Unstarred Questions

(answers to which were laid on the table).

Détenu Kiran Chandra Das.

19. Babu SURENDRA NATH BISWAS: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state the date on which externee Srijut Kiran Chandra Das was taken under custody and the period of his detention in jails and externment?

(*b*) Is it not a fact that Srijut Kiran Chandra Das petitioned the Governor for increasing his allowance, but his prayer was rejected?

(*c*) Is it a fact that in October, 1927, externee Srijut Kiran Chandra Das was attacked with high fever?

(*d*) Is the Hon'ble Member aware that he had to pay about Rs. 50 for medical expenses?

(*e*) Is it not a fact that he had applied for the amount which the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal, refused?

(*f*) If so, will the Hon'ble Member be pleased to state the reason?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) He was arrested on March 11th, 1927. He was in jail for 28 days and has been externed for about 8 months.

(*b*) Yes.

(*c*) The détenu, according to the statement of his uncle, suffered in October, 1927, from a mild type of influenza.

(*d*) In an application for the payment of medical expenses, it was stated that the détenu had been visited by a doctor three times and that some expenditure had been incurred for medicines.

(*e*) and (*f*) The application was rejected, as the monthly allowance paid to him together with a lump sum given him on externment were considered sufficient to cover these expenses.

Mr. SUBHAS CHANDRA BOSE: With reference to answer (*c*) and (*f*), will the Hon'ble Member be pleased to state what the lump sum was?

The Hon'ble Mr. W. D. R. PRENTICE: Government are not prepared to give any information regarding the amount of allowances.

Mr. SUBHAS CHANDRA BOSE: Will the Hon'ble Member be pleased to state what the monthly allowance is?

The Hon'ble Mr. W. D. R. PRENTICE: Government have always refused to make such statements.

Mr. KIRAN SANKAR ROY: Is that also kept secret from the détenus themselves?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Mr. SUBHAS CHANDRA BOSE: May I ask why the Hon'ble Member is not prepared to make the statement?

The Hon'ble Mr. W. D. R. PRENTICE: Government are of opinion that the amount of allowance is a matter which concerns only the détenu and his family, and is not a matter of public interest.

Mr. SUBHAS CHANDRA BOSE: May I ask whether the détenu in question is going to be released shortly?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I cannot say.

Détenu Romesh Chandra Acharyya.

20. Babu AMARENDRA NATH CHOSE: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*a*) the date of arrest of Srijut Romesh Chandra Acharyya;

(*b*) the place in which he is now interned;

(*c*) whether it is a fact that he has been suffering from malarial fever;

(*d*) whether the place where he is now domiciled is malarious; and

(*e*) whether the Government intend to release him immediately?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) 31st March, 1925.

(*b*) At his home.

(*c*) Yes; it was reported that he was suffering from malaria from the 15th to 20th November, 1927, but that since then his health has been good.

(*d*) Government have no information.

(*e*) No.

Monthly allowances of détenus.

21. Babu AMARENDRA NATH GHOSE: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*a*) who are the détenus whose monthly allowances have been withheld as soon as the externment orders served on them had been withdrawn;

(*b*) whether in their present financial state it is impossible for them to settle in life if their monthly allowances are withheld;

(*c*) whether a monthly allowance is being provided to some détenus under conditional release while it is being withheld in some other cases;

(*d*) whether it is the duty of the Government to supply the necessary expenses of the détenus after their release for such time as they may reasonably take to settle in life; and

(*e*) if so, why the supply of necessary allowance has been withheld in their cases?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Government are not prepared to supply this information.

(*b*) In all cases where Government are satisfied that the temporary continuance of a monthly allowance is desirable, a temporary allowance is sanctioned.

(*c*) Yes.

(*d*) No. The responsibility of Government in the matter of allowances is limited to cases covered by section 21, Bengal Criminal Law Amendment Act.

(*e*) Does not arise.

Détenu Bhupendra Kumar Dutta.

22. Dr. KUMUD SANKAR RAY: Will the Hon'ble Member in charge of the Political Department be pleased to state whether—

(*a*) Bhupendra Kumar Dutta, of Thakurpur, district Jessore, had been arrested on the 25th September, 1923, under operation of Bengal Regulation III of 1818 and was thereafter detained under the Bengal Criminal Law Amendment Ordinance;

(*b*) he is now domiciled at home in Thakurpur; and

(*c*) the Government intend to release him immediately?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) and (*c*) No. He has already been released subject to certain conditions specified under section 11 (*1*) (*a*), (*b*) and (*c*) of the Act.

Irrigation of Bengal.

23. Srijut JOGENDRA NATH MOITRA: (*a*) Has the attention of the Hon'ble Member in charge of the Department of Irrigation been drawn to the lecture delivered by Sir William Willcocks on the 6th March last on the Restoration of Ancient Irrigation of Bengal?

(*b*) If so, will the Hon'ble Member be pleased to state whether the Government propose to take any action on the basis of those remarks?

(*c*) If not, why not?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): (*a*) Yes.

(*b*) Government have continuously under consideration the question of the irrigation of Bengal, and Sir William Willcocks' proposals have not been ignored.

(*c*) Does not arise.

Mr. P. N. GUHA: Will the Hon'ble Member be pleased to state whether the scheme, known as the Grand Trunk Canal, is still under the consideration of Government?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (The Hon'ble Member's reply was not heard at the reporters' table.)

Rai HARENDRANATH CHAUDHURI: With reference to answer (*b*), will the Hon'ble Member be pleased to state what steps have been taken in view of Sir Willcocks proposals?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: It is under the consideration of Government.

Khan Bahadur Maulvi AZIZUL HAQUE: May I ask whether the Hon'ble Member is prepared to make a statement on the irrigation policy of the Government of Bengal as a result of the consideration of Sir Willcock's speech?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: Not at present.

Khan Bahadur Maulvi AZIZUL HAQUE: May I ask of the Hon'ble Member in charge of the Irrigation portfolio as to whether he is at all prepared and, if so, when?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: I have already said that it is under the consideration of Government.

Mr. J. M. SEN GUPTA: May I rise to a point of order?

Mr. PRESIDENT: Mr. Bose stood up before you and caught my eye. He is in possession of the House, and you cannot rise to a point of order until I hear Mr. Bose.

Mr. SUBHAS CHANDRA BOSE: Sir, I give up my claim for my leader.

Mr. J. M. SEN GUPTA: My submission is this: After the unstarred question 20, the Secretary has not given that amount of time between two questions which is required under the rules. I ask you for a rule on this?

Mr. PRESIDENT: Could you point out any rule under which any time is specified?

Mr. J. M. SEN GUPTA: A reasonable time is specified under the rules.

Mr. PRESIDENT: It does not certainly take one very long to rise in his seat and put a question.

Mr. J. M. SEN GUPTA: My complaint is that the Secretary did not wait a reasonable time before putting the next question.

Mr. SUBHAS CHANDRA BOSE: I still claim my right to put a supplementary question on unstarred question 20.

Mr. PRESIDENT: That question is long past.

Mr. SUBHAS CHANDRA BOSE: After the Secretary goes on racing in this fashion, it is impossible for us to put any supplementary question.

Mr. PRESIDENT: Secretary was stopped when he was putting 23. You may ask supplementary questions on 23.

Mr. SUBHAS CHANDRA BOSE: As a protest against your ruling, I decline to put any question.

Mr. PRESIDENT: Next question.

Tube-well in Dâk Bungalow compound at Bogra.

24. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble Minister in charge of the Department of Public Works be pleased to state the cost incurred by the Government in sinking the big tube-well at Bogra in the Dâk Bungalow compound?

(*b*) Why was it sunk?

(*c*) Is it in working order?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state why is it lying idle?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Sir Provash Chunder Mitter): (*a*) Rupees 12,802-6.

(*b*) It was sunk with the idea of utilising it as the source of water in any water-works scheme that the Bogra Municipality might in future undertake in the municipal area.

(*c*) It has never been worked since it was sunk, but there is no reason to apprehend that it is not in workable order.

(*d*) Because there are no water-works yet in connection with which it could be used.

Bogra Water-supply Scheme.

25. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble Minister in charge of the Department of Local

Self-Government be pleased to state whether it is a fact that the Government sunk the big tube-well at Bogra in the Dâk Bungalow compound for opening a water-works?

(*b*) What will be the total cost of the scheme?

(*c*) What amount did the Government, Bogra Municipality and Bogra District Board, respectively, promise to advance?

(*d*) Is there any chance of taking up the work in hand during the current year?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes, a tube-well was sunk in the Dâk Bungalow compound at Bogra. This, like certain tube-wells in other places, was sunk to test the possibility of a regular water-supply scheme.

(*b*) Two schemes have been prepared. The cost of the initial scheme is estimated at Rs. 98,700 and that of the complete scheme Rs. 1,30,500.

(*c*) Neither of these schemes has been submitted to Government, nor have proposals been submitted for financing either of them. Government have no information on this point.

(*d*) No; as proposals have not yet been received from the Municipality.

Firearms licences.

28. Mr. SYED MD. ATIQULLAH: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing the names and addresses of—

(*i*) the persons who applied for firearms licences from 1st April to 1st June 1928;

(*ii*) the persons to whom licences have been granted;

(*iii*) the persons to whom licences have been refused;

(*iv*) the persons whose cases are still under consideration; and

(*v*) the qualifications of all the applicants?

(*b*) How many applicants have paid income-tax prior to their applications, and what is the amount of income-tax paid by each of them?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) and (*b*) Government are not in possession of the detailed information required to enable them to answer the question.

Mr. SYED MD. ATIQULLAH: May I ask whether the Hon'ble Member made an attempt to obtain the information required by him?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Détenu Srijut Kiran Chandra Mukharji.

27. Babu AMARENDRA NATH GHOSE: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*a*) whether representation has been made to the Government that living at Vizagapatam is very expensive and a sick détenu cannot maintain himself there on an allowance less than Rs. 150 per month;

(*b*) whether the Government propose to reconsider the case of the increment of allowance of sick détenus externed at Vizagapatam;

(*c*) whether Srijut Kiran Chandra Mukharji is now externed at Vizagapatam in the Presidency of Madras;

(*d*) whether it is a fact that in addition to paralysis, Kiran Babu has hæmoptysis with attendant low fever;

(*e*) whether it is a fact that he applied to the Government of Bengal for leave to come over to Bengal in order to have proper medical examination and treatment which is not available at Vizagapatam; and

(*f*) whether the Government propose to allow him to come to Bengal for this purpose?

The Hon'ble Mr. W. R. D. PRENTICE: (*a*) Yes.

(*b*) No.

(*c*) Yes.

(*d*) He has suffered from paralysis of the left arm since childhood. No report has been received that he is suffering from hæmoptysis.

(*e*) Yes.

(*f*) No.

Mr. KIRAN SANKAR ROY: With reference to (*b*), will the Hon'ble Member be pleased to state why this increment was refused?

The Hon'ble Mr. W. D. R. PRENTICE: Because everything relevant had been considered when the allowance was originally granted.

Mr. KIRAN SANKAR ROY: How was it considered?

The Hon'ble Mr. W. D. R. PRENTICE: It was considered what amount was required to live reasonably and decently.

Dr. BIDHAN CHANDRA ROY: With regard to answer (*a*), the Hon'ble Member has stated that the allowance is Rs. 150 a month. How does he reconcile it with the statement of policy.

The Hon'ble Mr. W. D. R. PRENTICE: I would like to explain that when these answers were prepared, I was new to the job of answering these questions. Drafts were put up and, in order not to delay them, I passed some of them, but I also called for previous papers in order to see what the policy of Government was in answering these questions, and my statement of policy is the result of the examination of precedents.

Mr. KIRAN SANKAR ROY: With reference to (*d*), may I know whether he is still having low fever?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot say.

Dr. KUMUD SANKAR RAY: Do I take it that the answer includes the latter part of the question also?

The Hon'ble Mr. W. D. R. PRENTICE: There is only one question you have asked, "whether it is a fact," and the answer is, "it is a fact."

Dr. KUMUD SANKAR RAY: The question was whether proper facilities were not available at Vizagapatam, and the Government answer is "Yes." What does that mean?

The Hon'ble Mr. W. D. R. PRENTICE: There are facilities for medical examination in numerous places outside Bengal.

Juvenile Court.

28. Mr. P. E. JAMES: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether he is aware that although the Bengal Children's Act was passed in 1922, no Juvenile Court has yet been constituted under section 37 of that Act?

(*b*) What is the reason for this delay, or what obstacles are in the way of the establishment of such a Court?

(*c*) Is the Hon'ble Member aware of the necessity for a properly constituted Court presided over by a stipendiary Magistrate with experience in the treatment of juvenile offenders and assisted by a woman Magistrate?

(*d*) Will the Hon'ble Member be pleased to state whether steps will be taken at an early date to bring section 37 of the Bengal Children's Act in force?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) This is not correct. A Juvenile Court has been established under section 37, Bengal Children's Act, for each of the areas in which the Act is in force, except Calcutta, where a Court for the trial of juvenile offenders was established in 1914. The question of establishing a larger Court under section 37, Bengal Children's Act, in Calcutta is under consideration.

(*b*) Does not arise.

(*c*) The matter is under consideration.

(*d*) Section 37, Bengal Children's Act, is in force in the areas specified in the Notification No. 5856 J., dated 23rd June, 1927. (Copy of the Notification is placed on the table.)

Notification referred to in the reply to clause (d) of unstarred question No. 28.

No. 5856J.—The 23rd June, 1927.—In exercise of the powers conferred by sub-section (*2*) of section 1 and sub-section (*1*) of section 27 of the Bengal Children's Act, 1922 (Bengal Act II of 1922), the Governor in Council is pleased to declare that the provision of the said Act, with the exception of the following sections, shall come into force in the town of Calcutta, the municipality of Howrah and the police-stations of Bally, Jagacha, Sankrail and Domjur in the district of Howrah, with effect from the 1st July, 1927, namely: Section 27 (*1*) (*i*) (*ii*) (*iii*) (*a*) (*b*) (*c*) (*d*) (*e*) and (*f*). Section 27 (*2*) (*a*) (*b*) (*c*) (*d*) and (*f*). Section 28 (*2*) (*3*) (*4*). Sections 29 and 30.

2. Notifications Nos 7429J., dated the 28th November, 1923, 2494J., dated the 27th March, 1925, 4324J., dated the 17th June, 1925, 4412J., dated the 25th June, 1926, 5174J., dated the 28th July, 1926, and 415J. and 416J., dated the 17th January, 1927, are hereby cancelled.

Mr. F. E. JAMES: Is the Hon'ble Member aware that the Court of Juvenile Offenders established in 1914 is not the same either in intention or procedure as the Court contemplates under section 37 of the Bengal Children's Act?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I do not quite understand what difference the hon'ble member is referring to. Under the rules, every Court established in 1914 follows a procedure very similar to those provided under the Children's Act for the Children's Court.

Mr. F. E. JAMES: Is the Hon'ble Member aware that actually there are considerable differences in these rules, and that no Court which is not established under the rules similar to those laid down in the Children's Act can be called adequately to deal with the juvenile offenders?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware what difference the hon'ble member is referring to. I will discuss with him the whole question later on, if he wishes to do so. We shall then consider whether it is necessary to issue a revised Notification for Calcutta.

Alleged acquisition of certain "debutter" lands in mauza Konnagar, Ghatal.

29. Babu MAHENDRA NATH MAITI: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether the Government intend to acquire the *debutter* homestead lands of several Brahmin families in mauza Konnagar within the town of Ghatal on the western bank of the river Silabati in the district of Midnapore for the purpose of constructing office buildings and family quarters for the officers of the Departments of Public Works and Irrigation?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether he is aware that—

(*i*) these Brahmin families have been residing there for several generations;

(*ii*) their homesteads contain temples of family idols which they worship from generation to generation; and

(*iii*) this proposal is likely to entail great hardship on these poor people and wound their religious feelings?

(*c*) Will the Hon'ble Member be pleased to state whether in the cases of acquisition of lands, do the Government intend to exclude the temples of family idols?

(*d*) Has the Hon'ble Member received any memorial from the persons who will be prejudicially affected by such acquisition as also from the general public of the Ghatal town protesting against this proposal?

(*e*) Are the Government considering the desirability of abandoning the idea of acquiring these lands and securing other lands if at all necessary?

The Hon'ble Sir NALINI RANJAN CHATARJI: (*a*) No.

(*b*) to (*e*) Do not arise.

Korotoya River.

30. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether it is a fact that the health of the district of Bogra has greatly suffered and deteriorated owing to the silting up of the river Korotoya?

(*b*) Is it a fact that the river Bangali is not fed by the waters of the river Kata Khali but by the Brahmaputra (Jumna) through the river Balai?

(*c*) Is it a fact that the Government apprehends that the excavation of the river Kata Khali will injure the current of the Bangali river?

(*d*) Has there been any proper inquiry into the matter?

(*e*) If so, will the Hon'ble Member be pleased to lay on the table a copy of the report of the inquiry?

(*f*) Is it in the contemplation of the Government to excavate the silted bed of the river Korotoya at Kata Khali?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, of Dhanbari: (*a*) Government is not aware that the health of the district of Bogra has greatly suffered and deteriorated owing to the silting up of the river Korotoya.

(*b*) No. The river Bangali is fed mainly by the river Kata Khali.

(*c*) No. The Kata Khali is a living river (though its discharge is less than formerly), and its excavation is not necessary.

(*d*) There has been a preliminary enquiry.

(*e*) A copy of the report on the preliminary enquiry is laid on the table.

(*f*) No.

Report referred to in the reply to clause (e) of unstarred question No. 30.

Dated Jalpaiguri, the 18th June, 1925.

From—RAI SAHIB J. N. ROY, Executive Engineer, Jalpaiguri Division,

To—The Chief Engineer, Bengal, Irrigation Department.

With reference to your No. 1428 I, dated the 18th April, 1925, I have the honour to report for your information as follows:—

(*a*) What the effect of opening the mouth of Kata Khali would be? The mouth of Kata Khali is already open and I presume the opening of the Korotoya at its junction with Kata Khali is meant. The effect will probably be that the bed of the Korotoya will again silt up, unless by throwing a dam across the Kata Khali, the water from the upper portion of Korotoya is diverted and forced into the Korot.

(*b*) The old bed of the Korotoya has died since the Korotoya broke into the Bangali river. The Kata Khali is not at all silting up and there are absolutely no signs to show that the Korotoya is trying to get back its own channel.

(*c*) The mouth of the Kata Khali is quite open—and there is no need to dredge either the Kata Khali or the Bangali river. The channel is now flowing through Kata Khali and Bangali rivers. It is useless to dredge the silted up portion of the Korotoya near its junction with Kata Khali without having a proper channel below. In the absence of levels, it is not possible to estimate the amount of dredging that may be necessary.

For the first eight miles of the Korotoya from its junction with the Kata Khali, practically a new channel will have to be opened up and for the remaining length, an average depth of 3 feet of dredging will be necessary, and the probable expenditure will be Rs. 4,00,000.

In order to come to a definite conclusion as to whether dredging will be effective and the extent of dredging that may be required, a survey and sections of the whole length of the Korotoya, Kata Khali and Bangali rivers will be necessary and also complete set of gauge readings of the Brahmaputra river.

General Report.—The portion of the Korotoya river lying between Govindaganj in the Rangpur district and Sherpur in the Bogra district is lying silted up for a long time; this silting up is mainly due to the diversion of the water of the upper portion of the Korotoya river through Kata Khali into the Bangali river. The Kata Khali and Bangali rivers, which have now practically become one river, carry large volumes of water and is navigable throughout the year. At present the minimum depth of water in the Kata Khali near its junction with Korotoya is 2 feet. The Kata Khali as it proceeds downwards

becomes deeper and near its junction with the Bangali river the minimum depth is 5 feet and in places it is as deep as 15 feet. The upper end of the Korotoya from its junction with the Kata Khali down to Govindaganj is absolutely dry, and the bed has completely silted up and in places it is about a couple of feet deeper only than the surrounding country level. Below Govindaganj a little water tickle along the bed slowly. During the ordinary flood no water enters the lower end of Korotoya at A from the upper end. It is during high flood that the surplus water of Kata Khali overflowing its banks passes into the silted up bed of the Korotoya river at A. At Khanpur, the two rivers, Korotoya and Bangali, meet again and the combined water forms the Fuljhore which is a big navigable river throughout the year.

Search of the premises of the Brahmanbaria Chittaranjan Jatiya Prathisthan.

31. Babu AKHIL CHANDRA DATTA: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that in May last there was a search and raid by the police in the premises of the Brahmanbaria Chittaranjan Jatiya Prathisthan, but nothing incriminating was found?

(*b*) Is it a fact that the police took away the minute book of the Prathisthan and some letters of the local Congress Committee?

(*c*) Is the Hon'ble Member aware that in the afternoon of the 11th May last, some live cartridges were found by the members of the said Prathisthan in an almirah of their library?

(*d*) Is the Hon'ble Member aware that the members kept watch the whole night and noticed policemen loitering about in the vicinity of the Prathisthan?

(*e*) Is the Hon'ble Member aware that information about the find was sent to the Subdivisional Officer of Brahmanbaria who sent a Police Officer to whom the cartridges were made over by Srijut Lalit Chandra Barman, Principal of the institution?

(*f*) Has any inquiry been made by Government into the matter of the cartridges found in the almirah and, if so, with what result?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No, but the premises were searched on the 22nd April in the course of the investigation of a dacoity case. Government are inquiring whether anything incriminating was found, and will inform the Member of the result.

(*b*) Yes.

(*c*) Yes.

(*d*) Government do not know how the members spent the night. No policemen loitered in the vicinity during the night.

(*e*) Yes.

(*f*) An inquiry has been made, but so far there has been no result.

Babu AKHIL CHANDRA DATTA: Will the Hon'ble Member be pleased to state whether he asked for a report of the facts after notice of this question?

The Hon'ble Mr. W. D. R. PRENTICE: I have asked for a report, and the report has not yet come. We have got information by telegram regarding certain details.

Babu AKHIL CHANDRA DATTA: With regard to (*b*), has the Hon'ble Member made any enquiry whether there was any justification for the seizure of letters and minutes of the Congress Committee and of the Prathisthan in the course of investigation for a dacoity case?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Babu AKHIL CHANDRA DATTA: Will the Hon'ble Member be pleased to make an enquiry into the matter?

The Hon'ble Mr. W. D. R. PRENTICE: If the hon'ble member puts down a question, I shall.

Babu AKHIL CHANDRA DATTA: Then I am giving notice, if the Hon'ble Member is prepared to answer the question now, whether Government consider that the documents of the Congress Committee are as much liable to be seized as the booty of dacoity?

The Hon'ble Mr. W. D. R. PRENTICE: I suggest, it is a matter of opinion.

4 p.m.

Rai HARENDRANATH CHAUDHURI: On a point of order: Babu Akhil Chandra Datta was putting a supplementary question, and he was on his legs, when the Secretary passed on to the next question.

Babu AKHIL CHANDRA DATTA: Will you please issue instructions to the Secretary not to go so fast, as this makes it impossible for members to ask supplementary questions?

Mr. PRESIDENT: I do not think you are right in making that accusation. Will you please put your question now?

Babu AKHIL CHANDRA DATTA: In view of the universal complaint in this matter, I hope Mr. President, you will give us sufficiently reasonable time for supplementary questions in future?

Mr. PRESIDENT: You need not remind me of my duty. I know it sufficiently well. Will you please put your question?

Babu AKHIL CHANDRA DATTA: Will the Hon'ble Member be pleased to issue instructions to the police not to seize Congress office documents in future merely because they are the papers of the Congress Committee?

The Hon'ble Mr. W. D. R. PRENTICE: No such instructions will be issued.

Babu AKHIL CHANDRA DATTA: Thank you. With regard to (*f*), who has made the enquiry?

The Hon'ble Mr. W. D. R. PRENTICE: The local officers.

Mr. PRESIDENT: Mr. Datta you are moving very fast. The procedure is that when a member wants to put a supplementary question, he must catch my eye, and when his name is called out, he is to put the question. The Hon'ble Member for Government will then rise, after giving me sufficient time to disallow the question if I choose to do so.

Babu AKHIL CHANDRA DATTA: You have now brought a counter-charge against the members. (Laughter.) My question was as to whether the inquiry was made by the Subdivisional Officer, the Circle Officer or the Sub-Inspector of Police.

The Hon'ble Mr. W. D. R. PRENTICE: The District Police.

Babu AKHIL CHANDRA DATTA: May I enquire if the police officer was the Superintendent of Police, a head-constable or a chaukidar?

The Hon'ble Mr. W. D. R. PRENTICE: He was the investigating officer, but which officer it was I cannot say.

Babu AKHIL CHANDRA DATTA: Is the Hon'ble Member aware that on the day following the day on which these bombs were found, there was a public meeting held at Brahmanbaria?

(No reply.)

Mr. PRESIDENT: I may point out to the members that the first hour available for question is over.

Mr. SUBHAS CHANDRA BOSE: May I inquire if a note has been taken of the questions that have not been answered at to-day's meeting?

Mr. PRESIDENT: Yes.

Point of order.

Mr. SUBHAS CHANDRA BOSE: May I inquire if the matter to be discussed at to-morrow's meeting would be a resolution or a motion for adjournment of the business of the House?

Mr. PRESIDENT: An additional day has been granted by His Excellency for the discussion of the motion for adjournment. If any business is left unfinished to-day, it will be carried over to-morrow. In any case, I will give two hours for the discussion of the motion for adjournment.

Rai HARENDRANATH CHAUDHURI: If the discussion of the present resolution be finished to-night, how then can we take up the motion for adjournment to-morrow? How will that be regular?

Mr. PRESIDENT: It will be quite possible, but I may permit you to move the motion to-day, if you like. It all depends on whether the intending mover wants to do so to-day. If he does, I will give him my written consent to-day and take up the motion to-morrow. The next day has already been fixed for the discussion of the motion.

Rai HARENDRANATH CHAUDHURI: It is proper only after the questions are finished.

Mr. PRESIDENT: But should you be in such a hurry? To-morrow, there must be, in any case, questions. If you rise and catch my eye after the questions are finished, I will give you leave to move the motion. It is not necessary for you to rise to-day.

Rai HARENDRANATH CHAUDHURI: On a point of order. The point is that the motion is under a particular section. That particular section provides for the adjournment of the business of the House. If there be no business to-morrow—if the business be finished to-night—how will the motion for the adjournment of the business of the House be regular to-morrow?

Mr. PRESIDENT: I cannot understand why it cannot be. An additional day has been granted by His Excellency for a special purpose, and the Council will, as a matter of course, sit to-morrow. The outstanding questions will provide the link.

Rai HARENDRANATH CHAUDHURI: That does not mean that there will be business to-morrow.

Mr. PRESIDENT: Up to now we have no reason to apprehend that there will be no business to-morrow. There must be questions, at any rate, as I have repeatedly said.

Rai HARENDRANATH CHAUDHURI: Our point of order is absolutely different.

Mr. PRESIDENT: If it was your intention to move the motion of adjournment to-day, you should have handed over to me my written consent after question time.

Rai HARENDRANATH CHAUDHURI: My point of order is this: The member has asked for the adjournment of the business of the House. The section also provides for that. I submit that if the business be over to-night, then there will be no business left for to-morrow, and in that case that motion cannot be taken up to-morrow. Under that section, the motion would be irregular.

Mr. PRESIDENT: What I want to point out is this: A representation was made to me yesterday for a special day for a definite purpose, which I forwarded to His Excellency the Governor, and a day has been granted for the discussion of that matter, so there is no difficulty whatsoever. Business or no business, the motion will produce the desired effect whenever carried. But if you intended to move the motion to-day, you should have handed over to me my written consent before question time, as provided by the rules.

Rai HARENDRANATH CHAUDHURI: No, the motion must be made immediately after the questions.

Mr. PRESIDENT: That was a mistake. Yes, that must be made after the questions are finished.

Dr. BIDHAN CHANDRA ROY: I submit that the best plan would be for the member to ask for leave now, and then you can mention a date and hour.

Mr. PRESIDENT: But you have not got my written consent to move the motion.

Dr. BIDHAN CHANDRA ROY: Yes, he has got it.

Mr. PRESIDENT: Mr. Chatterjee, will you please read it out?

Motion for adjournment of the business of the Council.

Srijut BIJAY KUMAR CHATTERJEE: I am reading a letter I have received from the Legislative Department:—

"In modification of previous letter No. 1351, dated the 9th July, 1928, I am directed to state for your information that the Hon'ble the President will consent to the moving of your motion on Wednesday, the 11th instant, provided His Excellency the Governor is pleased to fix that day for a meeting of the Council. (Sd.) J. BARTLEY."

Mr. PRESIDENT: That was subject to the approval of His Excellency, but I think it is essential that my written consent (I mean the final one) should have been taken from me after His Excellency had given his consent.

Dr. BIDHAN CHANDRA ROY: I submit that that is a very formal matter The best way to solve the difficulty would be for him to ask for leave under section 81 now.

Srijut BIJAY KUMAR CHATTERJEE: Under rule 81 of the Government of India Act, I ask for leave to move a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the serious situation that has arisen in the country on account of the attitude of the Government and the inadequate measures taken by the Government for the relief of the distressed people of this province.

Mr. PRESIDENT: You cannot move till you have got my written consent in the final form. Pass over to me the Secretary's letter, please.

Mr. A. K. FAZL-UL HUQ: I have also received a letter consenting to the moving of a similar motion. If my friend is given permission to move his motion, I want to make a similar prayer.

Mr. PRESIDENT: You will be entitled to speak.

4-15 p.m.

Mr. PRESIDENT: Mr. Chatterjee has now got my formal consent. He must now have the leave of the House to move his motion for adjournment. Let me read it out to the members:—

"Under section 81 of the rules under the Government of India Act, I ask for leave to move a motion for adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the serious situation that has arisen out of the inadequacy of the steps taken by Government for the relief of the distressed people in some districts of Bengal."

Has the member the leave of the House to move that motion to-morrow?

(The members here rose in their seats, and a count was being taken.....).

The Hon'ble Mr. A. MARR: On a point of procedure: Sir, may I draw your attention to the fact that no objection has been taken.

Mr. PRESIDENT: You are right, Mr. Marr. It is not necessary for the members to rise, as no objection has been taken. I fixed 3 o'clock to-morrow for discussion of the motion.

Rai HARENDRANATH CHAUDHURI: On a point of order: Sir, I submit with full respect to your decision, that it will be irregular to fix to-morrow for this discussion, because section 81 runs thus:—

"Leave to move a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance must be asked for after questions and before the list of business for the day is entered upon."

The rule says, "an adjournment of the business of the Council," not "an adjournment of the House." The "adjournment of the House" is an expression used in other Legislative Assembly, but that is not the rule here. My point is that simply because a date has been fixed for meeting to-morrow, the motion for an adjournment of the business of the Council cannot be discussed to-morrow.

Mr. PRESIDENT: I quite understand your point; but you will remember that I created a precedent, in this House, some time ago when Sir Abd-ur-Rahim, or Maulvi Abul Kasem, I do not now exactly remember who it was, moved a motion for adjournment, to discuss the Kulkati situation, by putting off the motion to be discussed on a subsequent day, as it did not appear to me that such a postponement would be prejudicial to the cause itself. It will produce the intended effect

whenever carried. Members on this side of the House cannot forget that they gave me a definite undertaking that the present motion would be brought to-morrow. Members cannot deny that a special request was made to me to give my written consent to-day, although the matter would be discussed to-morrow. I granted compliance to that request in good faith, and it is, I think, not proper for you to raise a point of order only to create difficulty.

Rai HARENDRANATH CHAUDHURI: I am sorry to put you in any difficulty, but the rules are there, and that is how I have interpreted them.

Mr. PRESIDENT: There is really no conclusion—an hour means a day and a day means an hour. I fix to-morrow for the discussion of this matter. That is my ruling.

Babu JITENDRALAL BANNERJEE: I am partially responsible for fixing to-morrow for this discussion. I may say there is really no substance.....

Mr. PRESIDENT: Is it a personal explanation, or a point of order? What are you responsible for? You have done no wrong and, perhaps, there is no need for you to give any explanation.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir, I may say that there is no substance in the objection. The expression "adjournment of the business of the Council" is a mere form of words for "an adjournment of the House" simply to raise a discussion. Consequently, you would be perfectly justified in allowing an adjournment of the House in order to permit this discussion to-morrow.

Mr. PRESIDENT: You are very reasonable indeed.

4-30 p.m.

Resolutions

(on matters of general public interest).

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I was referring yesterday to the fact that we were going to have our Committee which would assist the Commission in its labours, not because it is a question of co-operation with the Commission or non-co-operation with the Commission, but because it is a machinery set up by Parliament, and my friends will not deny that it is a machinery acknowledged by all sections and all parties in this country. Mr. Guha referred to a question to-day, which might very well be brought before the Simon Commission.

There is whisper abroad that it is the earnest desire of everybody in authority to revive the Grand Trunk Canal Project, in spite of the very definite declaration in this House to the contrary. Sir, it must be admitted that Parliament set up the present constitution, and that constitution has been accepted, whether satisfactory or not; therefore, I and every member of the House, whether belonging to the co-operating or non-co-operating side of the House, have come here to work it. I have no quarrel with the Swarajist views; they belong to a school of thought in this country who think that they can achieve much progress by simply putting pressure on Government and following a path of obstruction, without accepting office. We only hope that they will not question our action when, in the circumstances, we take advantage of the present constitution and work it as well as we can, so that we may obtain something better in the interests of our country. Take the case of the water-supply. Suppose the Minister says he is giving so much money for the water-supply. Is it open to us to reject it, simply because we do not accept the personnel of the Ministry? Sir, one word I must say. I do not agree with my friend Khan Bahadur Maulvi Ekramul Huq who says, it would not have been possible to find one man to be a proper representative of all shades of opinion in this country to sit on the Simon Commission. I do not agree with him that full self-govenment can only be achieved after all our conflicts of interests have been settled. Every free country has its conflicting interests. But with all this and in spite of the very unsatisfactory nature of the Simon Commission, and in spite of the greatest wrong that has been done to India, I still think that this is a machinery which may do a certain amount of good to this country.

I have one more word to say: My friends want that India should be a free country; let them leave aside all passions and all prejudices, and consider whether this is possible till they permit the fullest freedom of political views in the country, and I do hope that they will realise that it is in the best interests of the country to allow every man freedom of his political views. It is quite easy to attribute motives, but it is best to take things in the proper spirit. I will not take much more time, but I would only say this much, that those who have decided to co-operate with the Commission have done it in the hope that this will mean a little more progress of the country, an advancement of the constitution, and the betterment of the conditions in which we are living. I only hope that the Swarajists' representatives on the other side of the House will be convinced that it is not consistent on their part, when they have come to work an equally unsatisfactory constitution, to condemn people who want to work up another machinery set up by Parliament, however unsatisfactory that institution may be.

[At 4-45 p.m. the Council was adjourned and it re-assembled at 4-55 p.m.]

Babu SURENDRA NATH BISWAS: Sir, I refuse to co-operate with the Simon Commission, and so I do oppose the formation of the proposed Committee. I want absolute independence for my country, and nothing short of independence will satisfy me. My hopes may not be realised in my life time, nay in hundreds of years to come, still I will say that nothing short of independence will satisfy me. I do not want any form of Government under the British control. No amount of verbal jugglery shall convince me as to the worth of any system of Government in this country, except self-government. By self-government I mean the Government of India by the Indians themselves and Government absolutely responsible to the Indians and to none else. This is my motherland, my native home, my dearest thing on earth—I shall not tolerate anybody else to dominate over it. I may be too weak to-day to remove my claims, I may be only dreaming the vision of my emancipation, yet I would not like to be molested and exploited by the foreigners. People may say that I am a fool and am talking of visionary things, but I would rather be such a fool than be wise and accept the foreign yoke.

Babu MANMATHA NATH ROY: On a point of order, Sir, may I point out that the Hon'ble Member in charge of the resolution is not present here?

Mr. PRESIDENT: That does not matter.

Babu SURENDRA NATH BISWAS: I trust a day will come when my vision will be realised. And that day I hope is not very far. Some obstacles seem to stand in the way of our salvation, but I think they are not really so. There is a view that the Indians shall not attain independence unless and until there is Hindu-Moslem unity. I say with emphasis that it is a borrowed view—borrowed from the Britishers who put up this view as an excuse for posing themselves as the arbiters and guardians of our destinies. They say, the Indians are not fit for self-government, because the Hindu and Moslem quarrel with each other, and there shall be chaos in the country if they are let alone. I refuse to accept the proposition. I do not believe that our Swaraj depends on Hindu-Moslem unity. I understand that Hindu-Moslem unity may be an effect of Swaraj, but not necessarily its cause. Swaraj will not be attained by the Hindu and Muhammadan joined together by an agreement or pact. An agreement contracted beforehand as to the participation of the fruits of independence cannot, inspire one to sacrifice one's life in the battle for freedom. There can be no pact for sacrifice. It is only those people who are ready to make unconditional sacrifices of anything and everything dear to them that will attain Swaraj. Swaraj will be attained by those patriots of the

country who are determined to win it at any sacrifice. It can only be attained by those who feel their lives unbearable without Swaraj. Swaraj will be attained by those alone who realise that India is their dearest motherland and she shall be freed of bondage at any cost. Amongst the fighters of Swaraj there shall be no distinction of caste or religion. They shall be the only fighters of the battle who will consider the emancipation of their motherland as the highest religion higher than Hinduism and Islam. And it will be the attainers of Swaraj who will unite with one another, irrespective of caste or creed. They will love one another and unite for eternity. So I say that the unity will be the effect of attainment of Swaraj, but may not be its cause. So I would ask my British friends to be disillusioned of the idea that India will remain a subject-country as long as there is quarrel between the Hindus and Muhammadans. And I would ask my Indian friends to realise that such quarrel shall not cease to exist as long as there is the third party to foment it. I do not blame the third party for fomenting the quarrel, because they have to do it for their very existence. But what I mean to say is that such quarrels shall be ignored by the true fighters for Swaraj. The people who pick up the quarrel to satisfy their selfish ends shall be regarded as traitors to the country and enlisted in the list of enemies along with the foreigners who want to keep us in eternal subjugation by brute force, and right shall be given against them all. That being so, the argument that the Indians are not fit for Swaraj owing to communal quarrels falls to the ground.

There is another argument put forward against our claim for independence, and it is this, that we are not fit to protect our country from foreign aggression. It does not befit the Britishers or their allies to say so. It is a disgrace that after a rule for more than 150 years, the natives of India are far from being fit to raise arms and fight a battle—deprived of all the arms they had in their possession and turned out absolutely helpless at the mercy of the Britishers. Have they not got evidence in the last Great War whether the Indian Army can give their lives in a battle? If they could sacrifice their lives to save the Britishers, they can sacrifice them for their own dear country. The only thing required is—the Britishers should clear off and the Indians should be given free hand to fight their own battle for freedom.

For these reasons and others, Sir, I say that the arguments against our fitness for Swaraj have no force, and we must not be subjected to an examination as to our fitness for the same. We shall earn it to-day or to-morrow, and not beg of it by doses or steps from an alien power, and satisfy ourselves with a Government the constitution of which will be drafted by a body of foreigners whose political existence in India depends on our political extinction and *vice versa*.

Now a question may arise as has been raised by some of my hon'ble friends—What should we do till self-government is achieved? I should say that physically, living on earth we shall have to put up with the existing Government, though against our will, but we shall not consent to the alien Government being imposed on us. Our work will be to make preparations for the attainment of Swaraj and nothing but Swaraj. I must not look aside for this windfall or that which may come to me by the grace of the alien power. I shall always cherish the spirit of non-co-operation as long as I shall be kept in subjugation. And I would ask all self-respecting Indian members of this House—be they Hindus, be they Muhammadans, be they Christians —to cherish that spirit of non-co-operation and signify their aversion to the existing system of Government or any other form of Government under the British control, by refusing to co-operate with the Simon Commission.

With these words I oppose the resolution and all the amendments, except of course the amendments Nos. 4-7 which I understand as motions for opposition.

Maharaja SHASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh: Sir, while I am prepared to oppose an adjournment of the present resolution, and support the appointment of a committee, I hope to get an assurance that some representative Indians will be appointed as members of the Statutory Commission. I desire to point out that it is not possible for a Committee of this House to enjoy the same status and powers as the members of the Statutory Commission, except as regards the procedure of examination of witnesses and documents. Firstly, there will be an inevitable inequality, because the Statutory Commission owes its existence to a Royal Warrant, and any Committee of this House cannot claim that status. Secondly, the functions of the Committee will be confined to questions affecting Bengal. Thirdly, the Committee will have no voice in determining the recommendations of the Royal Commission, the functions of the Committee being advisory. I am perfectly aware that it is not competent for the Government of Bengal, or even the Government of India, to change the constitution of the Royal Commission. But I am ready to vote with Government, if at any rate they are prepared to make a recommendation to the proper authorities to get Indians included among members of the Commission. If the constitution of the Royal Commission is thus expanded, it will be the duty of the Committee of this House to assist it on all questions affecting Bengal.

Maulvi LATAFAT HUSSAIN: As a representative of labour, I must oppose any motion that denies labour an opportunity to urge its

importance in the future constitution of our motherland. The industrial position of India and its rapid growth in recent years is indeed wonderful from a labour point of view. There are something like 25 lakhs of workers employed in factories, 8 lakhs in tea and coffee plantations, 2½ lakhs in mines, 2 lakhs in railways, ½ lakh in inland and marine steamers, 1 lakh in printing presses and about 1½ lakhs in Municipalities and the Port Trust. These figures give a total of 40 lakhs or 4 millions, and do not by any means exhaust non-agricultural labour. Bengal alone with its jute mills and jute presses, tea gardens, coal mines, railways, printing presses, Municipalities and Ports, account for at least 15 lakhs. The question of communalism does not affect them. They comprise males, females, and children. They include Hindus, Moslems, Christians and Sikhs; in fact, members of all communities of India.

Our problems, as well as the problems of agricultural workers, which include the depressed classes, are the problems of the Indian nation. We must, therefore, in spite of our backwardness, have a definite share in the future administration of the country. Recent events go to prove that we cannot trust our destiny in the hands of this or that political party. In fact, we have been used as mere pawns in the chess-boards of these parties, who played the games for their own political gains. I can cite a dozen instances in support of my statement. The All-India Trade Union Congress, at its Cawnpore sitting in November last, passed a resolution for boycotting the Simon Commission at the bidding of certain politicians, who had no business whatsoever to poke their nose into our humble affairs. Nearly 99 per cent. of our men know nothing of Simon or the Commission, and yet the so-called delegates went to Geneva and thence to London at Government expense to voice the dumb millions and create notoriety in the name of Indian labour by walking out of the Commonwealth Labour Conference as a protest against things on behalf of labour. This is impudence and imposture. We are told by our political Babus, that by boycott we prove our fitness for Home Rule, and that if only we can maintain the boycott for a few more months, we shall secure Dominion status, as if immediate grant of Home Rule will bring millineum to the poor working classes. By Babus, I mean our educated leaders. Recent events decidedly disprove that these leaders are real friends of labour. The Calcutta scavengers struck work last March for increment. They were deliberately promised a rise of Rs. 2 a month by one set of these Babus, and they resumed on their promise. Nearly 4 months passed, nothing was done by another set of Babus, and the scavengers stopped work again; and a third set of Babus pressed a compromise. A Babu suddenly appeared in Lilloah and advised the railway workers to stop work and promised all sorts of things, if they could hold out a few days. The poor workers having faith in the

Babu's promise held out for a few days, but nothing was forthcoming and the Babu urged for patience. Days passed into weeks, weeks into months, and starvation and misery followed in the end. After 4 solid months of extreme privation, the Babu advised them to surrender unconditionally. Therefore our salvation, I mean the salvation of labour, does not lie in the hands of this or that set of political Babus. If such disgraceful things happen in the premier Corporation of India under the control of the finest brains and patriots of Bengal, I do not think, the political parties, who would handle the future Dominion of British or United States of India and Burma, as conceived by a Pundit of the United Provinces, would care a brass button for the toiling millions whom I have the privilege to represent in this Council. I have already said that the workers must have a share in the future administration of the country, so that all legislations for better housing, for minimum wages, for right type of Primary education, for old age pension and employment insurance and similar measures soon become the laws of the land. This would be possible if and when labour is adequately represented in the future legislatures of the country. We must, therefore, put our case as effectively as we can before the Commission. I am glad that this Commission includes members of the British Labour Party in which Indian workers have confidence. I have personally associated with several Labour members of Parliament, *e.g.*, Messrs. Thomas Johnston, Pethick-Lawrence, Mardy Jones, Oswald Mosley, Arthur Purcell, and others, and I am convinced from my personal contact with them, when they came to Kankinarrah, that men of their type on the Royal Commission, would do justice to the claims of Indian labour for adequate representation in the future Parliament of our country.

5 p.m.

Babu MANMATHA NATH ROY: Mr. President, I beg to support the motion for the postponement of the resolution *sine die*. The reasons are quite simple. We have completely lost faith in the honesty, sincerity or *bonâ fides* of the Government and of the English people. The repeated betrayals by the English people of their professed principles, the contempt with which the legitimate public demands and votes have always been treated by the Government and the intense propaganda carried on by a certain section of the Press in England against India have wholly disillusioned us. However much you may hide your imperialistic motives under a moral cloak, you can no longer deceive us. The valiant knight, whom I do not see in this Hall now—I mean Sir A. K. Ghuznavi (a voice—Sir Abdelkerim Ghuznavi)—and the valiant semi-knight—I mean the Rai Bahadur from Jessore—(I do not know what the respective values of these titles are), to whom we listened with mirth and pleasure yesterday, regretted this lack of

co-operation. Are there any political babies in the country who cannot see the game behind the scenes and who will not refuse to be pawns in this game? It is a remarkable coincidence that less than a week ago Dewan Chaman Lall and his party who travelled all this distance with their offer of co-operation had to withdraw from the Labour Conference in utter disgust at the shameful treatment accorded to them. The valiant knight and the semi-knight proclaimed with great exhultation in this House that non-co-operation has not brought Swaraj nearer home and that we have not all been able to unite. Have they any idea of the hatred and contempt in which they and their fraternity are held by the people of the country? They are, however, content with the loaves and crumbs flung at them by this benign bureaucracy. Capital is attempted to be made out of the illiteracy of electors and the communal tension. But until Swaraj is established, the settlement of the communal problem or a satisfactory solution of the problem of illiteracy is impossible, owing to the existence of a third party in the country, who always lie in ambush, and does all that lies in their power to accentuate this tension or this illiteracy. India, which has now awakened, is still prepared to achieve Swaraj by the help and guidance of England, if England so wills in sincerity. The demand for a Round Table Conference is a legitimate and universal demand, but England has woefully misunderstood the soul or the mind or the cause of India. If India's faith in the sincerity of England is to be restored, a bold and courageous policy is needed—not petty-fogging amendments and tinkering in procedure. The people of this country must be given a real share in the formation of the constitution. The recent decision of the Simon Commission may placate and please the *jo hukums*, but it is hypocrisy to call it equality, and is an affront to our intelligence and self-respect. Provincial Committees may be given the right to be present when evidence is taken, but the question remains—Will they have the right to report or make recommendations? The Government is mightily annoyed with the Swarajists whose disintegration, it is said, they are eagerly looking forward to, as it will give the administration a new orientation. It is said that Lord Birkenhead came to the India Office in order to reconquer India. So long as this state of things continues, so long as we do not find a real change of heart, we must wash our hands off the whole business, and refuse to have anything to do with the Commission. We cannot be a party to what might put the halter more tight round our neck.

Mr. RANJIT PAL CHOUDHURI: Sir, I deem it an honour for having been able to associate myself with the deliberations of this House.

After so many forcible speeches pointing out the absolute worthlessness of the proposal of co-operation with the monstrous scheme for

perpetuating our bondage, it would be sheer audacity on my part to try to add any further arguments detailing the absurdities of the demand made on behalf of the Government put in the names of the representatives of this province. But, Sir, in asking your permission to be allowed to put in a few words in this connection, I beg to bring before this Council the fact that to my constituency has fallen the good fortune of being allowed to declare publicly the popular feeling that exists in the country about the Simon Commission, as since this proposal was brought before the Council, my constituency is the only one which had the opportunity of fighting on this single question—and by the proportion of the strength of the constituency—by which the rival candidate—who happened to be the chosen representative of the official party in favour of the Commission—has been defeated. The proportion which is by this time well known to the whole of India is six to one. Such a crushing defeat can only be explained in one way, which represents the popular feeling in the province. And if the Government was an honest one after such a defeat in the most cultured constituency of the Presidency Division, the whole Council should have been dissolved to fight out the principle throughout the province, if the Government was really desirous to ascertain the real feeling of the country—instead of bringing it before this trumped up Council—where the popular representatives have to be saddled with the Government servants—and, who are worse, the nominees of these servants.

I need not remind the Council, Sir, of Woodrow Wilson's fourteen points. We all thought that the doctrine of self-determination for India, which was one of the cardinal points on agreeing to which the British Government could secure the help of the United States of America in saving their Empire from impending ruin, could never be violated even by the nation whom Napoleon styled as perfidious.

Let us gather courage to tell the Commission and their agents in India, the Imperial and the Provincial Governments, that if the Commission should be able to impose its will on India, we will at least have the courage to refuse to be a party to it.

Maulvi ABUL KASEM: I agree with my friend, the member from Dinajpur, when he says that the question of the miserable condition of the cultivators in the distressed areas is of far greater importance and a matter of much more concern that the present constitutional question. But my agreement does not go further. I cannot see any cogent reason that because there is a condition of distress in the country—and here I acknowledge that you have been pleased to give us an opportunity to discuss the matter—we should refuse to co-operate with the Statutory Commission. My friend, Babu Naliniranjan Sarker, has moved that the consideration of the question be postponed *sine die*, which according to Parliamentary convention means that the

proposal be rejected. One of the main arguments raised in this question, is that we cannot co-operate with this Commission, because our right of self-determination has not been acceded to. I certainly appreciate that feeling; but I would remind my friends that this Commission is the offspring, if I may say so, of an Act of Parliament. It had to be formed under the provisions of the Act. If there is a quarrel, it should be with that Act of Parliament, and not with the Commission or its personnel. Sir, the Government of India Act of 1919 is in force, and our presence in this Chamber as members of Council shows that we have accepted that Act and that we are working it.

5-15 p.m.

If we accept one portion of the Act, we are bound to accept the other portion of the Act as well. Sir, the Act itself does not recognise the right of self-determination. It lays down that Parliament will from time to time determine to what extent self-government is to be given. If that is so, our procedure should have nothing to do with the Act itself. But, Sir, to be here as Members of the Council and to say that we will not allow another provision of the Act to operate is absurd. A question has been asked—Would you like the Government of India Act to continue without modification and without amendment? If you want it to be modified, what is the procedure you would follow? Would you like to have an enquiry made into the Act by the Commission appointed by Parliament. Another argument which has been advanced and which I appreciate fully is that there is no Indians included in the personnel of the Commission. That has been one of the arguments raised. Sir, I think that this objection is more or less of a sentimental character. What would we have gained if one or two Indians had been included in the Commission—Indians nominated by His Majesty's Government on the recommendation of the Government of India? Sir, Royal Commissions were appointed before with Indian members in them—the Taxation Commission, the Currency Commission, the Agricultural Commission and, above all, the Public Services Commission. Did this Commission enjoy the confidence of the people? Were there not howls raised against the constitution of these Commissions? If so, what guarantee is there that if a few Indians were included in this Commission, selected and chosen by the Government of India, it would have served our purpose any better? I think, Sir, that the methods now adopted for all practical purposes are methods suited to the realisation of Indian aspiration. Another question has been raised by my friend on my right that the Indian wing of the Statutory Commission will hear evidence, examine documents, but will have no power to make recommendations, and that there will be two reports—one by the Indian section and the other by the European section. But, Sir, that is a different matter.

It does not matter who will report, who will decide, or who will frame and pass the Act. The Act, in any case, will have to be passed in the Parliament of the House of Commons and the House of Lords. Does the British Legislature contain a sufficient number of Indians to inspire confidence in us? If you deny the British Parliament the right of determining the constitution suitable for India, the method to be adopted is not the boycott of the Simon Commission. Self-government may be by evolution. If you concede the right of Parliament, you must at the same time give Parliament every opportunity of hearing you. Sir, it is not the personnel of the Royal Commission that counts, but the personality of the members that would count very much.

Long ago there was another Royal Commission with two Indian members—the best that we could produce in the land. I mean the Public Services Commission. One of them did not live to see the report or take part in the decision, owing to his premature death, which has been an irreparable loss to the nation and which is still deplored. Fortunately, the other member remains to sign a minute of dissent which has now become an historic document. Unfortunately, Sir, we have not had the opportunity of utilising his services as a member of this Commission, for his services would have benefited the people at large. He would have been able to hold his own against any set of people. But we are not talking about the personnel of the Commission. We have been told that it is our right to exercise self-determination. That is all very good. But who brought the third party here to determine for us? Talking of the third party, I should like to say that they came to India at the invitation of the people of Bengal to rule over them. It does not matter whether it was at the invitation of Mirzaffer or Rajballav that they came. I say that they came here at the invitation of the people of Bengal, and, as a consequence, they have made themselves rulers of the other parts of India. After this, does it lie in the mouth of a Bengali to say that he has a right of self-determination. The history of India from the very beginning belies the assertion. The British people were invited by us, and may I also ask who invited Muhammad Ghory, Babar and Humayun to India?

Mr. PRESIDENT: Mr. Kasem, I am afraid you are quite irrelevant. Please confine yourself to the amendment.

Maulvi ABUL KASEM: Sir, what I say is this: We have got to place our case before Parliament, and it has now been conceded to us that members of our Committee will be given the power to examine all documents placed before the Commission, and if we have the ability and the qualifications to do our duty, we could render great

services to the land. I have heard a good deal of argument about the uselessness of co-operation. But I have not heard a single word about the alternative proposal to gain self-government. It is no use, it will serve no practical or useful purpose to use high-sounding words or ape the European statesmen. Sir, I think it will lead nowhere, if we follow the policy of refusing it to co-operate with the Simon Commission. What will be the result? The Commission will have to report, with or without your assistance. The Parliament will pass the Act, with or without your opinions being taken. You are quite welcome to hold your opinions. Sir, it has been said in this House that those who support the Commission have made themselves the object of hatred and contempt in the country. But, Sir, that is a matter of opinion, and nobody has any right to say so. The same may be said of my friends who oppose the Commission. Sir, we have been told that we ought to wait till the result of the All-Party Conference is published. I submit that the decision of the All-Party Conference when it is published will have that respectful and careful consideration not only from the members of the Commission, but also from the Members of Parliament which it certainly deserves. But that is no reason for postponing the formation of a Committee of this kind. It is going to submit its report long after the publication of the decision of the All-Party Conference, and it will have ample time to consider it. Sir, I do not like to take up more of your time, but I will only say this, that in the absence of any alternative proposal, I think it will be a fatal and suicidal policy if the members of the House refuse to accept the resolution of the Government.

Babu SACHINDRA NARAYAN SANYAL: My constituency desires me to oppose the motion of the Hon'ble Nawab Bahadur of Dhanbari. I do so with mixed feelings of regret and pleasure—regret because an acute difference should have arisen on such a vital matter between the Government and the popular representatives; pleasure because of the fact that the Indian of all shades of opinion are united to-day in demonstrating that they are all Indians first and Hindus or Musalmans afterwards, that they are prepared to stand together in defence of their national self-respect and prestige.

My main reason why I oppose the motion of the Hon'ble Nawab Bahadur and want to boycott the Simon Commission is that Indians have been deliberately excluded from the sacred circle of this Commission. For excluding Indians from the Commission, Lord Birkenhead has sought firstly to shelter behind the constitutional position that the framers of the Government of India Act, under which this Commission has been constituted, contemplated the appointment of a purely Parliamentary Commission. But as far as I am aware, so far as this constitutional argument is concerned, none ever heard of it until Lord Birkenhead uttered this before the House of Lords. But

speaking for myself, I fail to see that there is anything in the language of section 84A of the Government of India Act of 1919 to warrant the conclusion that the membership of the Commission should be confined—wholly and entirely—to members of the Parliament.

The next ground on which His Lordship maintains his principle of exclusion is that the responsibility in the matter of this kind of statutory investigation is with Parliament and it cannot, therefore, repudiate its duties and responsibilities in this matter. But I like to point out that the exclusion of Indians cannot be justified even on the plea of Parliament's exclusive resposibility. This is not only highly arbitrary and grossly unfair to the inherent rights of the people of India, but that it is an arrogant assertion of British imperialism and an absolute negation of India's right to take a prominent part and assist materially in framing her own constitution.

The next ground is that Indians had to be excluded, as they are bound to be biassed in favour of their claim to self-government. This, I am inclined to say, is an unworthy suggestion.

Finally, Lord Birkenhead's argument is that Indians are at the present moment so badly torn by dissensions and differences and that there is a large mass of illiteracy in India which make it impossible to put on the Commission the representatives of all interests. This supposed impossibility is wholly absurd and unreal. India at the present moment is not bankrupt of men of great patriotism holding Catholic views. One can easily name many Hindus enjoying the implicit confidence of their Muhammadan countrymen, and similarly one can easily name a number of Muhammadan leaders enjoying the fullest confidence of their Hindu brethren. It is also very significant that the interests of the mass of illiterates, who have been allowed to remain so during the enlightened British administration lasting over 150 years, are to-day pressed into service to establish the impossibility of nominating Indians on the Commission.

Sir, it is then argued that we are being given some thing better than membership of the Commission by way of Committees at the Central and Provincial Legislatures to get into touch with the Commission and, later on, with Joint Parliamentary Committees. But the position of the members of these Legislative Committees is that of mere petitioners. They are to place their proposals before the Commission, the Assembly, or at Whitehall. The Indian Report may also be published as an Appendix to the main Report. And there is no doubt that this Appendix will duly be consigned to the waste paper basket like the Minority Report of the Muddiman Committee. Thus, the members of these Committees have no right in any matter,—they would be before the Commission to plead, to persuade, and then to withdraw. Yet we are told that these members of the Committee would be

colleagues of the members of the Commission. I fail to understand how a petitioner, who appears before a man in superior position and authority, can be regarded as his colleague.

Sir, if we are not now considered to be equal partners, why were we not told so a few years back? During the last war when there was trouble, Britain promised us equal partnership, and we were told then that we were comrades. It was on that belief that millions of our people laid down their lives in different theatres of war; India ungrudgingly supplied men, money and war materials. But now that the war clouds have passed away, we are once again relegated to the cool shade of neglect.

Sir, this being the real nature of association offered to us in the work of determining our political future, can we with any self-respect agree to accept the position offered to us? The answer is in the negative. It is our duty, therefore, to declare our want of confidence in the Commission or its Committees and boycott them. It may be urged that we shall be doing dis-service to ourselves if we do not adduce evidence before the Commission and refuse to form a Select Committee, though it may reject our suggestions and recommendations. I am inclined to think that if we do so, we would be indirectly acknowledging the position of inferiority assigned to us, and would thus take upon ourselves a share of responsibility for the dis-service which the Simon Commission is certain to do to India. The acceptance of the Commission, as it is with British personnel and limited scope of inquiry, means a voluntary acquiescence by Indians in the prepetuation of our political slavery. Let us not afford an opportunity to the British Parliament to speak out that we participated at any stage to any extent and in any manner with the Commission. Let us say in the words of our distinguished countryman, Sir Ali Imam: "We should never humiliate our country by appearing before them as mere petitioners."

Mr. L. T. MAGUIRE: I cannot give a silent vote on this question, Sir, and I must make the position of the community which I have the honour to represent perfectly clear. As one of the communities of India, we are as anxious as any of its other peoples to help India to realise her natural and legitimate aspirations, but we have a different line of approach from that of some of my friends. Sir, to us the question is not what we should like to have, but what it is at the present moment possible to get. I have heard several speeches on the other side of the House in support of the amendments. Sir, getting down to rock-bottom, the position of the Swarajya party is that England has no right to determine the form the Indian constitution should take; that is the fundamental position of that party. If that be so, it is perfectly useless talking about the composition of the Commission or anything else, because if everything was done and every demand was acceded to, they would ultimately fall back on their point and say, we refuse you the

right to determine our constitution. Sir, we are a practical people. We appreciate the fact that all theories of State and all political philosophy is subject to limitations in their practical application. In theory it may be true that a nation has the right to determine the form of its constitution, but what is the position of India to-day? I need not dwell on this point, for it has been dealt with by previous speakers. But what to us is abundantly clear is that there is no disputing the point that England governs India to-day and the fact that England has been governing India and continues to govern India is a clear proof that India is satisfied with the existing constitution, and I submit that if in a vast country like India the Indian nation refused to accept British rule, it could not be ruled. If that be not the case, then I say that India believes the existing order, notwithstanding its defects, is better than anything that can take its place at the present moment. It follows that the British Parliament has the right to determine the form of the Indian constitution until the Indian nation withdraws its consent. It is, therefore, our clear duty to assist the British Parliament to frame this constitution in the proper manner and, if possible, to frame it in a manner which will be acceptable to the Indian people. If we are to do that, I feel that the only course open is to assist this Commission which has been sent out to get as much material as is possible and to sift the evidence. My friends on the other side of the House were at first opposed to entering this Council, and they took recourse to boycotting it, but now they have evidently found that the national cause would be best served if they came to the Council, and that is why they are here to-day, and there is absolutely no doubt that they have brought many defects in the administration to the notice of Government which help the people in authority to rectify them. They came to this Council to non-co-operate, and they have been very consistent in their principles, and they are similarly opposed to the formation of a Committee of this House to assist the Simon Commission. Sir, opposition is a very healthy thing; it brings out defects and also leads to an appreciation of facts and figures. But why could they not go on the Simon Commission with the object of forcing them to give as large a measure of self-government to India and so get as much as is possible for them to secure? That should be the object of every Indian who has the real interests of the country at heart. We have a lot of criticism to-day about going before the Commission and the forming of a Committee, but we have not been told of the advantages that India is going to get if she does not co-operate. We have also not had any single argument adduced in favour of staying away from it. Another argument that I have heard is that England will not give you anything of her own accord. It is then clear that you must wrest it by force; the question then arises—Have you the force to wrest it? If you have not, there is no use talking about it. The next point is—If you have the force, would you be justified in using it to disestablish this Government?

5-45 p.m.

I say it is a very sound political principle, and it is accepted, I think, by most sound thinkers that a revolution or a change of Government is not justified if it entailed so inordinate a disturbance that the people suffered greater harm from the consequences of the disturbances than from the tyranny. What would be the position of India to-day if you actually displaced this British power? What has India to-day to substitute in its place? These questions seem to me practical propositions. Propositions like these we considered when we came to our determination to give the fullest co-operation to the Statutory Commission.

Another argument advanced is that it is necessary to wait until we have gone back to our constituencies and ascertained their opinion on the subject. Have not we had enough time for that? I have a mandate from the people I represent. I received not only a mandate from my people in Bengal but also from all over India. We called a Conference and were able to ascertain their opinion. Other hon'ble members might have done the same thing, if they had any doubts.

Then we are asked to wait until the Council formulates a scheme. When does the Council propose commencing to formulate a scheme? It has taken 8 years to think about the scheme, and yet no step has been taken. Surely, these arguments have not been put forward seriously: they are merely dilatory motions. We cannot wait for these things to materialise. The Commission will be with us in about two or three months, yet we are asked to wait until India has formulated a constitution. When is this constitution going to be formulated? The Reforms have been for about 8 years with us. Have we advanced a step forward in formulating a constitution?

I think we have had All-Parties' Conferences before, and the result of them all was anything but satisfactory. I cannot say how the last one has proceeded. I have no doubt that the All-Parties' Conference will be given all the respect it deserves. All its recommendations, I am positive, will be considered. It represents a very weighty section of public opinion, but I cannot see at all what use boycotting the Commission is going to be to anybody. Therefore, we as a community have decided to give the Commission our fullest co-operation. Sir, I support the resolution before the House.

Babu JITENDRALAL BANNERJEE: Sir, I wanted to deal first according to my light with the Honourable Alhadj Sir Abdelkerim Ghuznavi. I hope the reporters will carefully note that *Abdul* has been changed into *Abdel* with "e" and not "u," and *Karim* has been changed into *Kerim* with "e" and not "a," as we in our unregenerate days used to think, and as our venerable colleagues, Mr. Abdul Karim and Sir

Abd-ur-Rahim, still call themselves. We borrow our fashions from Angora, though our politics come from Whitehall, or, perhaps from nearer Darjeeling, or nearest Clive Street.....

Mr. PRESIDENT: Mr. Bannerjee, you should not make these remarks. These remarks have nothing to do with the resolution before us.

Babu JITENDRALAL BANNERJEE: In any case, I cannot deal with him to-day. The first priority is claimed, like many of our members, by my friend Mr. Abul Kasem. Sir, it is good to find Mr. Abul Kasem among the angels—I mean among the supporters of the bureaucracy. Twenty years ago, it was not so: Twenty years ago, we rejoiced to find Mr. Abul Kasem fighting the battle of freedom, but these twenty years, as they have whitened his beard like that of myself, have perhaps brought wisdom to his mind also. Politics like misery gives us strange bed-fellows, and to-day we find Mr. Abul Kasem with strange bed-fellows and companions. Sir, one argument that has been used by him has been adopted by every blessed body that speaks in support of the Simon Commission. Whether you support it or not, whether you co-operate with it or not, the Simon Commission will finish its business, the Simon Commission will submit its report, and Parliament will pass a statute. We all know that—even a child knows that. But I want to put this question, not simply to Government but to the European members as well: You may hold your Simon Commission, you may submit your report and pass your statute, but can you say—do you venture to say—that you will hold this British Empire without our help, without our support and without our co-operation? Can you do that? Fifty years ago, such thoughts might have been possible with a slumbering India, but with India awakened and self-conscious, can anybody imagine that the British can hold this Empire without our co-operation, without our support, and without our help? Is your life, is your political existence, worth a week's purchase? You yourselves have said that the Reforms have not had a dog's chance. Why? Because the people did not co-operate with it, and now that you are going to pass your new statute, now that you are going to bring forward your new scheme, do you think that it will have a dog's chance of life, if we hold back our help from the sacred arch of constitution, as we are bound to do.

Sir, there is another argument which Mr. Abul Kasem and his friends have used. They say the Simon Commission is a Statutory body, as if there is something compulsory about the appointment of the Simon Commission. Sir, when lay men dabble in law, they make great fools of themselves. No doubt, a Commission had to be appointed, but there was nothing compulsory about it—the word "shall" even will not make it compulsory. A short amending Act could have been passed within 24 hours, and this might have done away with the necessity of having

this Commission. Also, it has been said that since you have accepted certain parts of the Government of India Act, you must accept everything. Sir, I do not understand this question of acceptance. We the people of the country, we the politically-minded people of the country, we who are members of the Congress—we who glory in being members of the Congress—have never accepted the Government of India Act. We have never accepted the Preamble, we have never accepted the provisions of the Act. The question of acceptance does not arise. Whether we approve or disapprove is not the question. We are here because of the law and not because we accept the law. How can you possibly prove that we have accepted the law? The question of acceptance never arises and has never arisen. Mr. Abul Kasem also asked: Suppose, instead of an all-British Commission, you had some Indian members on it; what would you have gained thereby? Sir, my answer is, that is a gratuitous assumption. We never wanted a mixed Commission; we have always pressed for a Round Table Conference. For myself, and so far as this is concerned I speak on behalf of many people, we wanted not an All-British Commission, but if there was to be a Commission at all, an All-Indian Commission. And the reason for my demand is simple. After all, the constitution that has got to be framed must be our constitution. The house that we are going to build will be the house in which we are going to live. We do not want a logical constitution. We do not want arch-angles to draw up a constitution for us. We want to draw up our own constitution, with all our limitations, with all our imperfections, but all the same it will be a constitution which we shall be able to call our very own. I do not understand what objection there is to this. Some people say—Why do you make such a bother about it? After all, the Commission is not the final arbiter: the Commission will submit their report before Parliament, and Parliament will do the business. That was the argument of Rai Bahadur Jadunath Mazumdar: that Parliament is the ultimate reserve of power. Granting that Parliament is the ultimate reserve of power, is it not all the more necessary—does it not stand to reason—that the preliminary work, the rough draft should be prepared by the people who are absolutely, exclusively—and not only here and there—Indians? We did not want a mixed Commission, we want an All-Indian Commission, if that has to be, and nothing more than that.

Sir, I have never found a single man either on the Government benches or on the non-official benches dealing fairly and squarely with this question of an All-Indian Commission. The only person that has dealt with it is the Secretary of State for India, and that also in a speech which has become stale and obsolete now. With some of the arguments of the Secretary of State, however, we shall have to deal, because those are the only arguments that have been used against us. What are His Lordship's arguments? One of his arguments was: "We cannot repudiate our responsibility for India." That is one of the high-sounding

platitudes which Englishmen—especially Englishmen in high places—are fond of trotting out. Is it God, is it man, who makes you responsible? Your self-imposed responsibility, your self-imposed trusteeship, all this moral and virtuous pose of yours agrees ill with your present history, and with your past records. We do not want you to disavow responsibility. After all, we also admit that the ultimate shape of the constitution will have to be given by the British Parliament. Nobody denied that up till now, but all the same you come forward and say that to appoint an All-Indian Commission will be disavowing responsibility for the Government of India.

The second of His Lordship's argument was this: That you could not get together a representative Indian Commission. That also has been referred to by the Hon'ble the Nawab Bahadur. As against the Nawab Bahadur, I shall quote the authority of somebody whom even the Nawab Bahadur will acknowledge to be greater than himself—a member of his own community, one who enjoys the confidence and support of thousands and hundreds of thousands of his countrymen. I refer to His Highness the Aga Khan. Speaking to the Press, he said that he could without consulting anybody name a score of persons who deserved to be regarded as the representatives of a united India. Everyone knows who are the representatives of the Indian people; the Government knows them very well. And if nobody knows, at least the Hon'ble Mr. W. D. R. Prentice konws very well who are the representatives of India and hates them proportionately. They all know them. It is a mere pretence, a mere game of make-belief, to say that you do not know who the representative Indians are.

The last argument that was used by Lord Birkenhead—his storehouse of arguments was soon exhausted—was this: That an All-Indian Commission would submit half-a-dozen dissentient reports based upon communal lines. Sir, I say that sort of remark is an insult to India—an insult that can only be excused on the ground of His Lordship's bottomless ignorance of all things Indian. It is an insult to suppose that no Indian is capable of rising above communal heights. Even granting that it was so, even granting that we are bound to submit half-a-dozen dissentient reports, I ask why did not you wait for that. After we had submitted these dissentient reports, then would have been the time for your to say: "Lo! here are the Indians. They cannot agree upon a common basis. They cannot agree even upon submitting a report about their own constitution." That brings me to the end of the arguments.

6 p.m.

Another argument is this: I have been twitted with the remark during the last two days that we are going to lose—most probably we are going to lose. We shall lose to-day, but I tell the English people that they will lose to-morrow. (Hear, hear.) We shall lose our

amendments, but they will lose the British Empire which is of much more value than our amendments can be. That is how they lost the colonies in America. Your mule-headed obstinacy, your want of vision to forecast the future, your want of sympathy with the subject-people—these have been the cause of your loss and ruin in the past, and these will be the cause of your loss and ruin in the present and in the future. You may despise these words of mine, but these words cannot and will not be lightly cast aside by whoever who has the vision to see and the imagination to grasp the realities.

My last word is one of appeal to some of my Moslem friends who are capable of taking an impartial view of things. Many Muhammadans have not joined us under the impression that if they co-operate with the Simon Commission, most probably they will gain something which they would not have gained if they sided with us. To them I say, let them not labour under the frightful illusion. That way the danger lies—that way you will commit suicide. If they want to gain anything, what they wish to gain must come from us, their fellow-countrymen, who live with them side by side, who feel for them in their joy and sorrow, and not from the common enemy—the third party which profits in our weakness and rejoices in our disaster. Not from them, I say, the help must come, but from us; and therefore in this hour of crisis, if they have any sense of patriotism, they must cast aside all petty thoughts of immediate gain, they must rise to the height of occasion and side with us to conquer in this fight, if that is possible; or if that is not possible, to share with us the glory of defeat.

Mr. J. M. SEN GUPTA: Sir, I feel compelled to say a few words on the motion before the House, although the contribution to the debate yesterday and to-day has been excellent. I think I am right in saying that Sir John Simon, when he made a statement on his arrival in India, offered to the non-official members of the different legislatures in India that they should form Committees to assist him and his colleagues. I am sure he wanted that the Committees of these legislatures should be confined to non-official members; and the protest that I voice to-day is against the procedure adopted by the Government of Bengal in putting forward the motion in response to that offer of Sir John Simon through the senior official member of the executive of the Government of Bengal. I wonder, Sir, whether it was not possible under the rules of the Bengal Legislative Council to find one non-official member to give notice of a motion of the description that has been moved by the Hon'ble Nawab Bahadur, senior member of the irremovable Executive Council of the Government of Bengal. Sir, not only did Sir John Simon want, as far as I could gather from his statement, that the official members should have

nothing to do with the appointment of this Committee, but, if I read his statement aright, I realised that he wanted the non-official members only to vote, if they chose to appoint Committees, and the official members not to have anything to do with it. But, Sir, not only do we find that the senior member of the Executive Council puts forward this motion, but I am perfectly certain, as I have been told in the lobbies, that every official member, who ought not to have, in terms of the offer of Sir John Simon, anything to do with this resolution, is going to vote in its support. I am dilating on this point for the purpose of showing to the House and to the public at large that even if this resolution, which has been moved by the Hon'ble Nawab Saheb, is carried, it will be carried by the votes of the official members, sponsored as it is in this Council by His Excellency the Governor in Council, through Nawab Bahadur, and at the Government House by His Excellency the Governor, as a member of the Executive Council. * * * * * *

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Mr. PRESIDENT: Mr. Sen Gupta, I cannot allow you to make this statement, unless you take the responsibility for what you are stating, or unless you have any document to prove your statement.

Mr. J. M. SEN GUPTA: I am not making any statement in this House for which I do not take the fullest responsibility. I say it is true that non-official members were sent for on the last occasion and they were sent for on this occasion at the instance of His Excellency the Governor in Council, and I say that while the senior member of the Executive Council was canvassing for votes in this Council, * * * * * *

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* * * * Apart from that, I find that this Executive Council took the trouble of sending cables to England and getting answers from Sir John Simon, and then giving copies of those answers to the non-official members at the Government House. Is this what Sir John Simon wanted when he made that statement on arriving in India a few months ago? Did he want that the officials * * * * * should interfere with the rights of the non-official members and try to get them to withdraw resolutions, not to move certain amendments which they might have moved at the instance of their constituencies?

*A passage reflecting upon His Excellency the Governor has here been expunged by order of the President.

Mr. PRESIDENT: I take serious objection to what you have said. As for your statement of certain facts, if you are not able to prove to my satisfaction, in my private Chamber, after the Council meeting that these are absolutely correct, I shall be under the painful necessity of ordering that the objectionable portion of your speech should not be recorded in the proceedings.

Mr. J. M. SEN GUPTA: You are perfectly justified to do whatever you like so far as your rights are concerned to exclude any portion of my speech from the proceedings of this Council, but I would be failing in my duty, and even at the risk of breaking the rules of the Council, if I did not protest against such interference by people with the rights of the members of this House.

Mr. PRESIDENT: I object to that attitude of yours, that you want to break the rules of this House I am here to see that you do not do that.

Mr. J. M. SEN GUPTA: Sir, I have not broken any rules. If I had done so, you could certainly interrupt me. I said that I would run the risk of breaking the rules if I thought it necessary for the purpose of bringing public opinion to bear on this question.

Mr. S. C. BOSE: On a point of order: May I enquire under what statute or rule has the President any authority to summon a private member to his private Chamber and ask him to satisfy him?

Mr. PRESIDENT: That power is inherent in the Chair. When a member takes responsibility for what he says, the President has every right to ask that member to prove his statement.

Mr. S. C. BOSE: I rise to a point of order: Under what statute and under what rule of the Indian Legislature has the President power to summon a private member to his private chamber?

Mr. PRESIDENT: I have already disposed of the question of authority. In any case, I think it is absolutely reasonable that the President should be able to ask a member to prove to his satisfaction a statement which he has made.

Mr. S. C. BOSE: My point is not concerned either with reasonableness or unreasonableness. My point of order is, under what authority or statute has the President the right to summon a private member to his private chamber to explain his statement?

Mr. PRESIDENT: I have already told you that. I did not actually take my stand on any written statute, but I think that it was a very reasonable demand.

Mr. S. C. BOSE: May I take it, Sir, that there is no authority under the statute?

Mr. J. M. SEN GUPTA: I will not go to your chamber to prove the statement I am making. I shall state what I have to state in public and before the House and to the constituencies who have sent us here to judge whether what I am stating is true or not. I would not make you the judge.

Mr. PRESIDENT: If you do not do that, then my order will be that your remarks with regard to the head of the province be expunged from the proceedings.

Mr. D. N. ROY: Under what section or rule do you make that ruling?

Mr. J. M. SEN GUPTA: Sir, you may expunge rightly or wrongly, justly or arbitrarily, portions of my speech from the proceedings, * *

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Mr. PRESIDENT: Order, order.

6-15 p.m.

Mr. J. M. SEN GUPTA: Copies of statements printed on Government House papers have been circulated to members of the House for the purpose of showing what Sir John Simon wants and what he does not want. Sir, an enterprising editor has raised a question—a very interesting question—Is England honest in her intentions regarding India? Sir, members on this side of the House and some on the other side also have answered that question. I should only like to refer you to one part of the history of Britain towards India from 1917 and onwards. In August 1917, the then Secretary of State for India made a solemn promise in words in which there was no equivocation that the declared policy of the British Government was to establish responsible Government in India. There was no question or doubt as to the goal of British rule in India as stated in that declaration. Sir, in

*A passage reflecting upon His Excellency the Governor has here been expunged by order of the President.

1917, Britain was in great danger. England wanted India's money—England wanted India's men. There was enthusiasts—there were extremists in this country who wanted to take advantage of this position of peril of England. Leaders advised—Mahatma Gandhi advised that England's adversity must not be India's opportunity, and it was on the point of being thrown away by the extremist and impatient section. But notwithstanding the fact that India had a great opportunity of rising in revolt in those perilous days of England, in her wisdom or unwisdom India chose to follow the advice of her leaders and obeyed them. And the result was that crores of rupees were sent out from India to help England. Thousands of Indians laid down their lives in the battle-fields of France for saving England, and it was at that time that that promise—an unequivocal promise—" that the declared policy of the British Government is to establish responsible Government " was made. When the war was over.....

Mr. PRESIDENT: Your time is up, Mr. Sen Gupta.

Mr. J. M. SEN GUPTA: May I have five minutes more?

Mr. PRESIDENT: I can give you two minutes to finish.

(Mr. J. M. Sen Gupta did not rise to speak again).

The motion that the consideration of the resolution be postponed *sine die* was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjea, Babu Promotha Nath.
Bannerjea, Babu Jitendralal.
Basu, Babu Susil Sekhar.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejay Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjea, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Dayal.
Hoque, Kazi Emdadul.
Khan, Babu Debendra Lal.
Lala, Babu Sarada Kripa.
Maiti, Babu Mahendra Nath.
Maitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nasker, Babu Nem Chandra.
Pal Choudhuri, Mr. Ranjit.
Poddar, Mr. Ananda Mohan.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Ray, Babu Manmatha Nath.
Ray, Dr. Sidhan Chandra.
Roy, Mr. D. N.
Ray, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Nalinikanjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

NOES.

Abbott, Mr. E. G.
Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Mr. Altaf.
Casselis, Mr. A.
Chatarji, the Hon'ble Sir Nalini Ranjan.
Chaudhuri, Khan Bahadur Maulvi Nafizar Rahman.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Choudhury, Maulvi Salam Mawla.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Dey, Mr. G. C.
Gawding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. B. S.
Eddis, Mr. A. McD.
Farequi, Khan Bahadur K. G. M.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Ghosh Maulik, Mr. Satyendra Chandra.
Ghuznavi, Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Gafran, Maulvi Abdul.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Hapkyns, Mr. W. S.
Hosaig, the Hon'ble Nabab Musharruf, Khan Bahadur.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Khan Bahadur Maulvi Syed Maqbul.
Hussain, Maulvi Latafat.
Ismail, Khan Bahadur Maulvi Muhammad.
James, Mr. F. B.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Luke, Mr. N. R.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Martin, Mr. O. S.
Mazumdar, Rai Bahadur Jadunath.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Srie Chandra.
Nazimuddin, Mr. Khwaja.
Nelson, Mr. W. H.
Parrott, Mr. P.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-.
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray Chaudhri, Mr. K. C.
Reid, Mr. R. N.
Ray, Mr. Bijay Prasad Singh.
Saehse, Mr. P. A.
Sanyal, Babu Sachindra Narayan.
Sarker, Rai Sahib Rebati Mohan.
Sattar, Khan Sahib Abdus.
Sattar, Mr. Abdeel Razak Hajee Abdeel.
Shah, Mr. Ghelam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan of Nashipur.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Suhrawardy, Mr. H. S.
Thomas, Mr. H. W.
Wordsworth, Mr. W. C.

The Ayes being 45, and the Noes 82, the motion was lost.

6-30 p.m.

The motion that the consideration of the resolution be adjourned till after a general election of the Council on the issues raised by the resolution was then put and lost.

The motion that the consideration of the resolution be adjourned until this Council formulates its scheme of consitutional reforms was put and lost.

The motion that the question of the appointment of a Committee of this Council be postponed till the publication of the decision of the All-Party Conference regarding the constitution was put and lost.

Maharaja SASHI KANTA ACHARJYA CHAUDHURI, of Muktagacha, Mymensingh: May I rise on a point of personal explanation? Mr. Sen Gupta referred in his speech to the fact that His Excellency the Governor sent for me. That part of his statement is true, but it is not true that he canvassed for my vote.

Mr. PRESIDENT: I will have that statement of yours recorded in the proceedings.

Mr. A. K. FAZL-UL HUQ: I would not have made any speech to discuss the resolution now before the House, but certain remarks made by my friend, Mr. Jitendralal Bannerjee, have forced me to say only a few words. My friend, Mr. Bannerjee, has made an earnest appeal to the Muhammadan members of this Council to rise to the height of the occasion and to support the policy of the Congress party in recording practically a vote of no-confidence in the Simon Commission (Cries of "Policy of the Moslem League.") Whatever that may be, whether it be a question of the League or whether it be a question of the appointment of a Committee to work with the Commission, the principle on which we have divided is one of co-operation or non-co-operation, and we have seen that a large number of Moslem members of this House have gone into the same lobby with the Europeans and officials. Let me assure my friend, Mr. Bannerjee, that in doing so we have done it with a heavy heart. (Cries of "Shame.") We have done so from a supreme sense of duty. Let me remind my friend, Mr. Banerjee, that the records of the National Congress and the records of the All-India Moslem League all bear testimony to the fact that whenever the country has made a demand on Moslem patriotism, we have never been behind any community in India. Why is it, then, that to-day we go into the same lobby with the Europeans? It is because of the mischievous activities of the Hindu Mahasabha which have made it impossible for us to place any confidence in Congress leaders. When the consideration of my amendment about the fitness of the conditions of India comes up, I will make this point clear. I will only say this now, that it is not from choice but from necessity that the Muhammadan members have to-day voted against the Congress. If my friends want to win back the Moslem members, let them go and control the Hindu Mahasabha.

Mr. PRESIDENT: I do not think you are right in referring to the activity of the Hindu Mahasabha. We are not discussing it, and I take serious exception to your remarks which are out of order.

Mr. A. K. FAZL-UL HUQ: I do wish to mention names of persons in particular. However, as it may lead to controversial matters, I will say nothing about it at the present moment, but I give this assurance to the members of the Congress party that as soon as the Muhammadans

find that they can place confidence in our respected leaders, the leaders whom we have always followed, we will go back to the Congress fold, stand side by side with the Congress and fight battles for the freedom and liberty of India. After all, India is our fatherland—in India we live and in India we will die; our bones will form the manure of India. It is no use ridiculing; it is no use shutting our eyes to facts, and the statement that I am making, and which is echoing from the hearts of all Muhammadans, is that our present attitude is due to the hypocrisy and dishonest influence of the Hindu Mahasabha. I will not say anything further; I will simply say this in reply to what has fallen from my friend, Mr. Banerjee. But let me again assure him that even if we vote for the appointment of a Committee, even if some of the members of the Moslem community consent to work on that Committee, the Muhammadans will not be false to their trust, false to India, false to the cause for which the Congress stands and for which patriots like my friend, Mr. Bannerjee, have worked all their lives. We have ungrudgingly followed leaders like Tilak, we have ungrudgingly followed leaders like Gokhale and Mehta, we have followed leaders like Sir Surendra Nath Banerjea and Ananda Mohan Bose; we are still ready to do that. I do not blame any single member of the Congress party; I do give them the fullest credit for the very best of motives and patriotism and about which I have not the slightest doubt, but I will entreat them. I will appeal to them to make it possible for us to go back once more to the Congress fold. When they do that, there will be no necessity for our voting on behalf of Government or on the side of Government. If they can do that, then the gentlemen who are sitting over there will pack and board the next ship to take them back to England. Let them not do it by domineering over the Moslem community, but conceding to them what is good for the people, good for the country and good for all communities. We stand here for equal rights; we are against domination by autocrats; we do not want autocracy in any shape; we want freedom for all castes, creeds and communities and equal opportunities for all. (Cries of "Hear, hear.")

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHOUDHURI, Khan Bahadur, of Dhanbari: I beg to accept the motion moved by Mr. A. K. Fazl-ul Huq.

Babu AKHIL CHANDRA DATTA: As a matter of fact, Mr. Fazl-ul Huq made his speech on the substantive resolution; he did not move his amendment at all.

Mr. PRESIDENT: What does then the Hon'ble Member want to accept? I am, perhaps, to divide the amendment in two parts, and put the first part to vote first.

Rai HARENDRANATH CHAUDHURI: A point of order has been raised by Babu Akhil Chandra Datta to the effect that Mr. Fazl-ul Huq did not move his amendment at all; he simply made a speech. I do not know, Sir, how in spite of this you are going to thrust his amendment on this House.

Mr. S. C. BOSE: I would also like to observe that Mr. Fazl-ul Huq did not move his amendment, but spoke on the original resolution.

Mr. A. K. FAZL-UL HUQ: I was under that impression, Sir.....

Mr. PRESIDENT: In that case, your amendment falls to the ground as not being moved.

The following motion was not moved and, therefore, deemed to be withdrawn:—

Mr. A. K. FAZL-UL HUQ to move, by way of amendment, that for the words "to assist the Commission," the following be substituted, namely:—

> "to constitute the Indian wing to the Commission in the province"; and

the following be added at the end, namely:—

> "with instructions to convey to the Commission the deliberate opinion of this Council, that India under present condition is not fit for any system of representative Government."

Sir ABD-UR-RAHIM: I beg to withdraw the amendment that stands in my name. I expect to move it as a substantive motion at a later date which I believe His Excellency the Governor is going to fix.

The following motion was then, by leave of the Council, withdrawn:—

"Sir ABD-UR-RAHIM to move, by way of amendment, that for the words "to assist the Commission" the following be substituted, namely:—

"to hold joint conference with the Commission and that it be an instruction to the Committee to convey to the Commission that it is the opinion of this Council that—

> (*a*) the status of India should be that of a self-governing Dominion under the British Crown as an equal partner in the Commonwealth of Nations within the British Empire and that necessary steps be taken to give adequate expression and effect to such status in the relations of India with Britain, the other self-governing Dominions with the British Empire and with the foreign countries;

(*b*) the constitution of India be on the basis of a Federation of autonomous States, the Federal or Central Government administering only such subjects as concern the whole of India;

(*c*) the present system of Government in the provinces popularly known as the Diarchy be abolished and full responsible Government be inaugurated in the provinces;

(*d*) in the constitutional instruments the citizens' rights as recognised by all civilised Governments be defined and reasonable and appropriate safeguards be provided for the protection of the rights and interests of minorities;

(*e*) special attention of the Simon Commission should be specifically and emphatically drawn to the effect of the Meston Settlement on the working of the Government of Bengal and in lieu of the Settlement fresh financial adjustments be made on sound lines;

(*f*) appropriate provisions be made for the proper and effective representation of important sections of the population in the various legislatures and other statutory self-governing public bodies;

(*g*) in the recruitment of the public services due regard be paid not solely to academic qualifications of the candidates, but to the need for securing the widest possible confidence in the administration by averting a communal or class monopoly;

(*h*) for effectuating the abovementioned subjects, all necessary and appropriate measures be adopted;

and that at the conclusion of its Conference with the Commission the Committee should make a report to this Council in order that proper decisions may be arrived at on the various questions involved in carrying out the above principles in the future constitution of India and the same be communicated to the Commission together with a copy of the proceedings of the Council in connection therewith."

Maulvi ABDUL KARIM: On the grounds stated by Sir Abd-ur-Rahim, I also withdraw the motion standing in my name.

The following motion was, by leave of the Council, withdrawn:—

Maulvi ABDUL KARIM to move, by way of amendment, that in the resolution—

(*1*) *for* the word "assist" the words "work jointly with" *be substituted;* and

(*2*) the following *be added* at the end of the resolution, namely:—

"according to the general policy to be laid down by this Council regarding matters of fundamental importance,

such as full dominion status, provincial autonomy, principle of responsibility in the Central Government, Indianisation of services including defence and marine, protection of the rights and interests of minorities, readjustment of the Meston Settlement, and to report to this Council the results of their work immediately on its completion."

Mr. H. S. SUHRAWARDY: I withdraw this motion so that we may be able to discuss it in greater detail at a later date.

The following motion was, by leave of the Council, withdrawn:—

Mr. H. S. SUHRAWARDY to move, by way of amendment, that the following proviso be added, namely:—

"Provided that the said Committee are not to agree to any constitution for India which does not—

(*1*) guarantee to India dominion form of Government within a fixed limit of time; and

(*2*) forthwith grant full provincial autonomy and responsible Government, including control of its finances, to the provinces."

Rai Bahadur JADUNATH MAZUMDAR: As the principle of my motion has been accepted, I do not move my motion.

The following motion was called but not moved and therefore deemed to be withdrawn:—

Rai Bahadur JADUNATH MAZUMDAR to move, by way of amendment, that the following be added at the end of the resolution, namely:—

"Provided, first that the members of the Committee so appointed are allowed to enjoy equal powers with the members of the Commission in the matter of evidence that may be placed before the latter; and, secondly, that the Report of the said Committee shall be placed before this Council for approval before submission to the said Commission."

Mr. H. S. SUHRAWARDY: May I have your leave to move the next three together, Sir?

Mr. PRESIDENT: Yes, you may. But there will be separate voting on each.

Mr. H. S. SUHRAWARDY: I beg to move, by way of amendment, that the following proviso be added, namely:—

"Provided that the members of the Committee appointed by this Council are given absolutely the same status and powers as the members of the Statutory Commission, specially as regards the examination of witnesses, and access to confidential papers and documents."

I also move, by way of amendment, that the following proviso be added, namely:—

"Provided that before the Committee appointed by the Council make their report, they should submit the same to the Council for an expression of opinion thereon by this Council."

I further move, by way of amendment, that the following proviso be added, namely:—

"Provided that it be an instruction to the Committee not to begin its labour of assisting the Statutory Commission until the Local Government publishes the memorandum prepared by it for submission to the Statutory Commission and this Council gets an opportunity of expressing its views on it."

6-45 p.m.

It is hardly necessary to preface my amendments with any remarks, as they speak for themselves, and all of us and the public outside are fully aware of the various phases of the controversy in respect of the Simon Commission. We are not opposing the appointment of a Committee, as such, to assist the Commission, if equal status in Bengal and equal access to papers and evidence are given us, but we are anxious that any recommendation that should be made by our Committee should be a reflex of the opinion of the majority of the members of the Council on the question of what the future constitution of India should be, and should be based on a national programme. We have been constrained to take up this attitude not without much conflict of emotions. We are met in the first instance with the spectacle of the greatest leaders of moderate Indian public opinion, such as Mr. Jinnah, Sir Ali Imam, Sir Tej Bahadur Sapru and Sir Sivaswamy Iyer and a host of others, refusing to co-operate with the Commission, because they feel and, in our opinion, rightly feel, that Indians were deliberately excluded from the Commission, and even after the whole of India rose to express its indignation, the insult was repeated in provocative language. We realise that a joint opposition will go far to bring home to the British public the depth of our indignation, but, unfortunately, disruptive influences have been at work: one party rises against another, there is a cleavage as between community and community and within communities themselves, and people will be forthcoming to express views and opinions before the Commission that may materially injure our national aspirations.

On the one hand, if the All-Parties Conference comes to a decision, which is reasonably unanimous, it will be endorsed by all sections of the people, it will and must carry far more weight in any scheme of future

reconstruction—whether it is submitted before the Commission or not—than any possible memoranda that we can place before the Commission, nay, more than the recommendations of the Commission itself; but, on the other hand, there is possibility of failure, and persons must be there who will fight tooth and nail to see that no agreement is arrived at; and will make every attempt to show that Indian statesmanship is bankrupt, and the only alternative is to submit our case before a third party. Then again, logically speaking, these Provincial Committees do not fit into the scheme at all. If an All-India Representative Committee had been in existence, the Provincial Committees would have some meaning, for what we want is that Indians as well, just as much as the members of the Commission, must be in a position to arrive at decisions with regard to all-India problems, and co-ordinate the views and the opinions and interests of the various provinces. Such a Committee has been turned down by the Assembly; but the existence of such a Committee is a *sine qua non* for the suitable functioning of provincial Committees. In our opinion, every effort must be made to form such a Committee, otherwise, Government need not be surprised if at a later stage the Council withdraws its co-operation from the Simon Commission. Then, again, it has to be conceded that the evident desire of Sir John Simon to repair the mistakes of the Secretary of State for India, to the limits of his power, has to some extent succeeded in mollifying our sense of outraged dignity. We know that he has a very difficult task before him; conflicting interests, and factious views are the heritage of a nation in bondage, but he has sacrificed much to shoulder the burden, and it is clear that he is deeply anxious to placate Indian opinion. Further, everyone must have noted the satisfaction that is expressed even in the boycott Press with memoranda submitted by promient people that give expression to our nationalist aspirations and demands, such as the memorandum submitted by the ex-Minister of Bihar and Orissa. We have, therefore, decided that though we are a mere Provincial Committee and may do little good, we may succeed in counteracting prejudicial influences, and we shall accept the *fait accompli* for the purpose of ensuring that the nationalist demands do not go by default.

Now, so far as my amendment with regard to equal status and opportunities to go into evidence is concerned, Government and Sir John Simon have conceded as much as they could. Certainly, we do not enjoy the same status, our report will be lost in that vast annexure that will go with the Commission's Report; we do not delude ourselves with the belief that the Royal Commission and our Committee will be on a par even in considering the interests of the province, but we cannot fail to realise that as much as is possible has been conceded on the point. When the question of the All-India Committee is at stake, it is unnecessary to quibble over the rights and dignities of the Provincial Committee.

Next comes my amendment No. 16, that the Committee do place its report before the Council for the expression of the views of the Council thereon before submission. Government have rightly pointed out the difficulties in the way of the Council reviewing the decisions of the Committee. I know that the recommendations of a Committee are not lightly interfered with by the Council; I know that should there be a variance, it may be suggested that the Committee being the first Court has seen the witnesses and considered the evidence over several days. I know that the influence of the seven members of the Committee will be cast in favour of the Report; nevertheless, in view of the fact that we are placing no limitation on their discretion at this stage, in view also that the decisions must be in consonance with certain fundamental principles, and that we cannot surrender our views to seven members, however estimable they may be, I have no other alternative but to press this amendment.

My amendment No. 17, which Government desire to oppose, is in effect an attempt to induce the Government to publish its memorandum, and permit the Council to express its views thereon. The reason is obvious. We have all along been told that the Legislative Council is part of the Government, though obviously not on its executive side, that the Executive Council and the Legislative Council form one component whole, known as Government, that it is the duty of the Legislative Council to keep a watch on the Executive side, check its vagaries, bring it into line with public opinion, help it in a proper and just administration, ventilate the views of the people and perform the numerous other functions which a representative legislature is called on to perform. But now the executive part of Government would like to put itself on the same plane as any private body or group of individuals, although two of its members are believed to be representatives of the non-official opinion of the Council. Do Government desire to lay down the proposition that the interests of the Government are opposed to the interests of the people? If Government say that their memorandum are the views of the bureaucracy, moderated and toned by helpful suggestions from the Ministers, then and only then can the action of Government in placing an independent memorandum and not taking the Council into its confidence be justified. If this be so, then let Government frankly declare that its memorandum expresses the views of the Service, and deal only with administrative difficulties, or with safeguarding the interests of the Service, but let it not be considered the report of a Government charged with looking after the interests of the people of the province. The purpose of the appointment of an Indian wing, or an adjunct, or a conference, or a body of assistants, is to show that you have confidence in us. You cannot affirm and reprobate at the same time. If you have confidence in us, are you prepared to place your memorandum before the Joint Committee for discussion; are you prepared to disclose those dread and dark secrets

that you so much fear to expose; are you prepared to act according to your protestations and appear as witnesses before a Committee? If you do not do so, we shall consider that your protestations that this Committee has equal status and powers with regard to provincial matters are only lip protestations. If you send your views behind our back to the Secretary of State or to the Simon Commission when it sits in England, we shall be constrained to consider it as an act of hostility. If Government give us an assurance that they will withhold nothing from the Committee, that no recommendations will be exclusively sent to England, then I shall be prepared to withdraw this amendment, provided that my previous amendment, namely, the revision by the Council of the recommendations of the Committee is carried. If Government do not give us the assurance, but hold that they will send it behind the back of the Committee, we shall treat it as a mark of no-confidence on the Committee by the Government, and I shall press the amendment for the acceptance of the House.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI Khan Bahadur, of Dhanbari: Sir, on behalf of Government, I beg to accept the first two amendments moved by Mr. Suhrawardy. The Hon'ble Mr. Marr will explain Government's attitude as regards his third amendment.

The Hon'ble Mr. A. MARR: All I want to say is that, though Government have been able to accept the first and second amendments moved by Mr. Suhrawardy, they cannot possibly accept his third amendment.

As far as Government are concerned, it is their duty to supply all papers to the Statutory Commission, and it is for the Statutory Commission to supply papers to the Committee of this House. I may, however, remind the House what the Nawab Bahadur has, I think, already mentioned, that so far as the Punjab is concerned, the Statutory Commission have directed that all papers and materials for the Punjab will be sent to the Punjab Committee.....

Rai HARENDRANATH CHAUDHURI: Subject to the President's right to withhold anything at his discretion.

The Hon'ble Mr. A. MARR: But there is no question that so far as Bengal is concerned, it is in exactly the same position as the Punjab, and whatever materials are sent to the Commission will surely be sent on to the Bengal Committee. May I read the telegrams bearing on this subject?

This is from the Government of India to the Statutory Commission :—

"Committee formed by Punjab Legislative Council to co-operate with Statutory Commission wishes to receive forthwith copies of

Punjab Government's memoranda consisting of a description of the working of the reformed constitution, advance copies of which have been already presented to the Commission, and desires the orders of the Commission on its request to be obtained. The only comment made by the Local Government in forwarding the request is that the material is provisional and liable to modification. The instructions of the Commission, if communicated to Government of India, would be conveyed by them to the Committee through the Local Government."

In reply the Commission said:—

"Your telegram of 22nd instant. Instructions were sent by mail 14th June to officer in charge, Statutory Commission, New Delhi office, to forward to Punjab Committee the Punjab material received to that date, including Punjab Government's memoranda to which you refer. Officer in charge, New Delhi, has now been asked by telegraph to send these particular documents forthwith in advance of rest of material specified in mail instructions. He has been asked to apply to Punjab Government for more copies if he requires them. Would you ask that Government to comply with any such request? Commission would prefer that Local Government should not send any material direct to Punjab Committee, both in order to preserve correct procedure and also to obviate any risk of some material reaching Committee before it is in hands of Commission itself."

Rai HARENDRANATH CHAUDHURI: That is not the whole of it.

The Hon'ble Mr. W. D. R. PRENTICE: Is it in order on the part of any member to deny a statement made by Government?

Rai HARENDRANATH CHAUDHURI: On a point of personal explanation, Sir. I do not deny the statement made by the Hon'ble Member, but I do say that it is not the whole of it. Sir John Simon has said that he will use his discretionary power as President to protect witnesses.

The Hon'ble Mr. A. MARR: Mr. Chaudhuri seems to know more about it than I do. I have read the whole telegram.

Mr. H. S. SUHRAWARDY: Sir, I must accept the statement made by the Hon'ble Mr. Marr, and it seems to me that if the Punjab procedure is followed here, the memorandum of the Government of Bengal will be placed before the Committee. In view of this, I do not intend to press my third amendment.

The following motions were then put and agreed to:—

That the following proviso be added to the resolution of the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari, namely:—

"Provided that the members of the Committee appointed by this Council are given absolutely the same status and powers as the members of the Statutory Commission, specially as regards the examination of witnesses, and access to confidential papers and documents."

That the following proviso be added to the resolution of the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari, namely:—

"Provided that before the Committee appointed by the Council make their report, they should submit the same to the Council for an expression of opinion thereon by this Council."

The following motion was, by leave of the Council, withdrawn:—

Mr. H. S. SUHRAWARDY to move, by way of amendment, that the following proviso be added, namely:—

"Provided that it be an instruction to the Committee not to begin its labour of assisting the Statutory Commission until the Local Government publishes the memorandum prepared by it for submission to the Statutory Commission and this Council gets an opportunity of expressing its views on it."

The motion of the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari, as amended by the Council, was then put, and a division taken with the following result:—

AYES.

Abbott, Mr. E. G.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Mr. Altaf.
Cassells, Mr. A.
Chatarji, the Hon'ble Sir Nalini Ranjan.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Choudhury, Maulvi Golam Mawla.
Choudhury, Maulvi Khorshed Alam.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Day, Mr. G. G.
Dowding, Mr. T. W.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Eddis, Mr. A. McD.
Farequi, Khan Bahadur K. G. M.
Fyfe, Mr. J. H.
Ghose, Mr. M. C.
Ghuznavi, Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Gofran, Maulvi Abdul.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Hopkyns, Mr. W. S.
Hosain, the Hon'ble Nawab Musharruf, Khan Bahadur.

Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Hussain, Maulvi Latafat.
Ismail, Khan Bahadur Maulvi Muhammad.
James, Mr. F. E.
Kasem, Maulvi Abul.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Luke, Mr. N. R.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Martin, Mr. O. S.
Mazumdar, Rai Bahadur Jadunath.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Mittar, the Hon'ble Sir Pravash Chunder.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nazimuddin, Mr. Khwaja.
Parrett, Mr. P.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray Chaudhri, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Bijay Prasad Singh.
Saehse, Mr. F. A.
Sarker, Rai Sahib Robati Mohan.
Sattar, Khan Sahib Abdus.
Sattar, Mr. Abdool Razak Hajee Abdool.
Shah, Mr. Gholam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Thomas, Mr. H. W.
Wordsworth, Mr. W. C.

NOES.

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Ahamad, Maulvi Asimuddin.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promothe Nath.
Bannerjee, Babu Jitendralal.
Basu, Babu Sasi Sekhar.
Basu, Mr. P. C.
Basu, Mr. Sarat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chatterjee, Srijut Bijay Kumar.
Chaudhuri, Rai Harendranath.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Datta, Babu Amulya Chandra.
Dutt, Babu Saral Kumar.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gupta, Mr. Jogesh Chandra.
Himatsingka, Babu Prabhu Doyal.
Hoque, Kazi Emdadul.
Khan, Babu Debendra Lal.
Lala, Babu Sarode Kripa.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Pal Choudhuri, Mr. Ranjit.
Poddar, Mr. Ananda Mohan.
Raikat, Mr. Prasanna Deb.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sashindra Narayan.
Sarker, Babu Nalinirenjan.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.

The Ayes being 72 and the Noes 50, the motion was carried.

Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 11th July, 1928, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta on Wednesday, the 11th July, 1928, at 3 p.m.

PRESENT:

The Hon'ble the President (RAJA MANMATHA NATH RAY CHAUDHURI, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the two Hon'ble Ministers and 122 nominated and elected members.

Starred Questions

(to which oral answers were given).

Bhairab Schemes.

25. Srijut NACENDRA NATH SEN: Will the Hon'ble Member in charge of the Department of Irrigation be pleased to lay a statement on the table showing the respective stages the following schemes have reached, namely:—

(*i*) the excavation of the Bhairab river near Alaipur in the Khulna district;

(*ii*) the canalisation of the Bhairab river in the Jessore and the Nadia districts;

(*iii*) the dredging of the dried up portions of the source of the following rivers:—

(1) the Bhairab,

(2) the Kobadak,

(3) the Batna,

(4) the Ichamati,

(5) the Jumna, and

(*iv*) the excavation of the khal below the Satkhira subdivisional town in the Khulna district?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, of Dhanbari): The reply is in a statement which is laid on the table.

Statement referred to in the reply of starred question No. 25.

(*i*) The project has been approved by Government and awaits fund.

(*ii*) The scheme for the improvement of the Bhairab in the Jessore district has been sent to the Collector of Jessore for taking action under the Agricultural and Sanitary Improvement Act VI of 1920.

The project in the Nadia district is under preparation.

(*iii*) (1) The scheme for dredging the reaches above the Afra Khal is under the consideration of Government.

(2) The scheme is the same as that mentioned in the second portion of (*ii*) above.

(3) The scheme has been sent to the Collector of Jessore to enquire whether the people to be benefited are willing to pay the cost.

(4) There is no special scheme for the river Ichamati.

(5) A revised estimate is expected shortly.

(*iv*) The Survey has been completed.

Civil Court Buildings in Howrah.

26. Babu KHAGENDRA NATH GANGULY: (*a*) Has the attention of the Hon'ble Member in charge of the Judicial Department been drawn to the condition of the civil court buildings in Howrah?

(*b*) Is the Hon'ble Member aware that the roofs of the main civil court buildings and of the Bar Association have been leaking badly whenever there has been a smart shower of rain, for the last 7 or 8 years?

(*c*) Is the Hon'ble Member aware that the attention of the officers of the Public Works Department has been drawn year after year to the inconvenience of the public due to the leaky condition of the roofs but no effective steps have been taken to permanently remove these inconveniences?

(*d*) Is the Hon'ble Member aware that the verandah of the southern block of the criminal court buildings at Howrah although constructed only a few years back has been badly leaking every year?

(*e*) Has the attention of the Hon'ble Member been drawn to the letter of the Secretary of the Howrah Bar Association addressed to the Public Works Department authorities in Howrah about the damage caused to the books and furniture of the Association by the recent heavy rains?

(*f*) What action, if any, do the Government intend to take to prevent the recurrence of such troubles and inconveniences in the future?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): *(a)* No.

(b) No complaint was received about the main civil court building. A complaint was received by the local Public Works Department officers in June, 1928, regarding the roof of the Bar Association room and the roof is under repairs.

(c) The roof of the main court building was covered with an asphalt roofing in 1924 and no complaint has been received. The same covering is now being applied to the roof of the Bar Association room.

(d) The verandah was re-terraced in 1926-27 and no complaints have since been received by the Public Works Department.

(e) A complaint was received from the Bar Association on 15th June and prompt action was taken by local Public Works Department officers.

(f) The member is referred to answer to *(c)*.

Babu KHAGENDRA NATH CANGULY: Is the Hon'ble Member aware that a complaint was made to the local Public Works Department about the leakage of the roof of the civil court buildings, as far back as 1924?

The Hon'ble Mr. W. D. R. PRENTICE: Presumably, as in reply to *(c)*, I have stated that the roof of the main court building was covered with an asphalt roofing in that year.

Unstarred Question

(answer to which was laid on the table).

Distress in Murshidabad.

32. Maharaj Kumar SRIS CHANDRA NANDY: Will the Hon'ble Member in charge of the Department of Revenue be pleased to lay on the table a statement showing—

(i) the number of people affected by famine in the district of Murshidabad;

(ii) the total area affected;

(iii) details of the relief work that has been undertaken by the Government; and

(iv) the amount spent up to date by the Government on famine relief operations?

MEMBER in charge of DEPARTMENT of REVENUE (the Hon'ble Sir Nalini Ranjan Chatarji): *(i)* The population of the affected area is about 1,29,000.

(*ii*) About 380 square miles.

(*iii*) and (*iv*) Details of the relief work are not immediately available.

The amounts spent are as follows:—

	Rs.
Advances to District Board for Test Relief works ...	74,000
Land Improvement and Agricultural Loans ...	1,14,240
Gratuitous Relief	4,000

Maharaja Kumar SRIS CHANDRA NANDY: Is the Hon'ble Member aware that distress is still acute in some parts of the district?

The Hon'ble Sir NALINI RANJAN CHATARJI: There is distress in some parts but it is not so acute as it was.

Maharaj Kumar SRIS CHANDRA NANDY: If so, will the Hon'ble Member be pleased to make further grants?

The Hon'ble Sir NALINI RANJAN CHATARJI: That will depend upon the recommendations of the local officers.

Point of Order.

Mr. S. C. BOSE: On a point of information, may we know if this meeting is going to deal with official business or non-official business?

Mr. PRESIDENT: This day was given by His Excellency the Governor for the discussion of the adjournment motion, and also to transact such other business as was not finished yesterday.

Mr. S. C. BOSE: On a point of order, Sir may I draw your attention to a circular letter sent to the members of this Council on the 31st May last, definitely stating that the sole business of this session, which is to last two days, will be the discussion of the Government business regarding the Simon Commission? I rise to a point of order and ask if the adjournment motion can be proceeded with.

Mr. PRESIDENT: It is up to His Excellency the Governor to extend the time.

Mr. SUBHAS CHANDRA BOSE: May we enquire if you have decided to expunge that portion of the speech of our leader, Mr. Sen Gupta, delivered yesterday?

Mr. PRESIDENT: That you will know subsequently.

Mr. SUBHAS CHANDRA BOSE: When may we expect to know that?

Mr. PRESIDENT: If you will call at the office after a few days, you will be able to obtain that information.

Rai HARENDRANATH CHAUDHURI: May I know under which rule you are authorised to expunge any portion of a member's speech?

Mr. PRESIDENT: You will find that in my order, if I quote any rule at all.

Rai HARENDRA NATH CHAUDHURI: Are we not entitled to know that now?

Mr. PRESIDENT: I may tell you that I have not passed any written order yet, and I think it is not reasonable on your part to ask for any information with regard to an order until it is actually passed.

Rai HARENDRANATH CHAUDHURI: I am not inquiring for any information. My point is this: under which rule are you authorised to expunge any portion of a speech of any member?

Mr. PRESIDENT: I have already told you that I am not inclined to answer that question at present; when I pass a written order to expunge the objectionable portion of the speech referred to, it will be shown to you if you will call at the office.

Mr. S. C. BOSE: May I call the attention of the Chair to rule 105 of the Rules of Business and Standing Orders of this Council? The rule says: "The Secretary shall also cause to be prepared a full report of the proceedings of the Council at each of its meetings, and publish it as soon as practicable."

Mr. PRESIDENT: Have I not already decided that that matter is not under discussion now?

Mr. SUBHAS CHANDRA BOSE: Do we take it that you have not passed any orders yet?

Mr. PRESIDENT: I have not passed any written order yet.

Mr. D. N. ROY: If we do not go to your office, shall we not know your order?

Mr. PRESIDENT: No.

Motion for Adjournment of the Business of the Council.

Srijut BIJAY KUMAR CHATTERJEE: I rise to move a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the serious situation that has arisen out of the inadequacy of steps taken by the Government for relief of the people of some districts in Bengal distressed by famine.

Sir, after the heat arising out the controversy regarding the Simon Commission is over, I am bringing in the motion for the consideration of the hon'ble members of this House, a motion which is above all controversy, a motion for which every section of the House is in entire sympathy for it is a common danger affecting the Hindus and Muhammadans in an equal degree. No politics can cloud its clear issues, no communal question can delay its immediate decision. Sir, the agonies of the afflicted people starving for months together, with no food to satisfy their hunger, with no water to quench their thirst, with no shelter to protect them from heat and cold, sun and rain, crying in utter helplessness, with death staring them in their very face have actuated me to bring this motion before this House. My words fail to describe in detail the miserable condition of these unfortunate persons. But I can assure my hon'ble friends that what I say here is truth, based on actual facts and there is no exaggeration or misstatement. I have actually seen the conditions of these people in the villages, enquired in detail about them and I shall fail in duty towards God, humanity and my constituency if I do not lay before the House all these facts, and appeal to the hon'ble members to extend their helping hand.

Mr. S. C. BOSE: On a point of order, Sir. Is not the member entitled to the undivided attention of the Chair?

Mr. PRESIDENT: How do you come to that conclusion that he is not receiving it? It is not your business to make a suggestion like that. I may, however, tell you that I was listening to the speech while giving some instructions to the Secretary.

Dr. BIDHAN CHANDRA ROY: Then you must be a superman.

Mr. PRESIDENT: Order, order.

Mr. S. C. BOSE: I rise to protest against the observations of the Chair.

Mr. PRESIDENT: I may tell you most emphatically that it is not your business to remind me of my duty. Will you please sit down?

Mr. S. C. BOSE: I rise on a point of order and my point is this: Is not a member who is addressing the House entitled to the undivided attention of the Chair?

Mr. PRESIDENT: That is not a point of order, and I rule you out of order.

Srijut BIJAY KUMAR CHATTERJEE: I think you are already aware that famine of a very acute type is prevailing in many districts of Bengal, *viz.*, Bankura, Dinajpur, Murshidabad, Birbhum, Khulna, Malda and Burdwan, due to failure of crops. As representatives of different famine-stricken districts they have been intimately acquainted with the facts and figures of their respective districts. There has been considerable agitation in the newspapers, appeals for help have appeared in the press, photographs of famine-stricken persons have been published. And many philanthropic organisations are trying their best to give relief to the people. The net work of congress committees all over Bengal are doing their best and the Provincial Congress Committee; the Ramkrishna Mission are rendering valuable services. Although they are trying their best to save the lives of the people (and I here take this opportunity to convey my thanks as well as the thanks of my colleagues for the selfless work of the organisers and members of these philanthropic and benevolent institutions), still the relief measures are absolutely insufficient for the great task before us.

But for this situation I cannot help feeling deep resentment and disappointment at the unreasonable attitude which the Government has so far taken. I cannot presume what may be the motive behind of minimising the effect of famine, except vanity and the desire for boasting of the excellence and superiority of the British character of administration with which we are too familiar.

Speaking of my native district of Bankura I may say this that so far back as October, 1927, when we could find indications of the future distress of the people due to failure of crops for want of rains, we tried to draw the attention of the Government to the serious situation. I met Mr. Symons, the then Collector of Bankura, and he frankly told me that he would try to do his best, and we agreed that in this matter officials and non-officials and congressmen should work together. At that time Babu Anadiranjan Bose, the Sadar Subdivisional Officer of Bankura was present. And although the District Magistrate was convinced of the gravity of the situation, and I myself with my own eyes saw the seriousness of the situation, the said Subdivisional Officer,

Babu Anadiranjan Bose, simply laughed, and by way of minimising the situation exclaimed " Famine in Sadar subdivision !". Since then this particular officer exercised his evil influence and tried to prevent the Government from taking necessary steps. I reported this matter to Mr. Hart, the present District Magistrate, and I here openly lay my charges against Babu Anadiranjan Bose for having neglected his duties as an officer of the Government to allay the distress of the famine-stricken people of Bankura Sadar subdivision. And I further ask Members of the Executive Council as also the Chief Secretary to take a particular note of this, and to arrange for an immediate transfer of this Deputy Magistrate.

In December last I put many questions in this Council. I beg to invite the attention of my honourable colleagues to the inaccurate and evasive replies which the Government gave on that occasion. In those replies we find no mention of Sadar subdivision, although in 7 thanas, namely, Barjora, Gangajalghati, Meghia, Chatna, Saltora, Raipur and Raniband thanas of the Sadar subdivision acute famine conditions are prevailing and relief centres have been opened. And there have been cases of death from starvation. The reply to my questions also contained inaccurate statements and we can quite see the attempt of the Government to minimise its gravity. It is also a curious thing that although the District Magistrate in his personal capacity made pathetic appeals and admitted the fact of famine and distress, the Government communiqué is evasive and disappointing. I admit this His Excellency the Governor was kind enough to go to Bankura and to see the situation of some parts of the district with his own eyes; he went there during the summer, at the sacrifice of his health and comfort, and I thank him for the same. His Excellency also attended an informal conference in which I think we could convince him of the gravity of the situation by facts and figures. While visiting the famine area he expressed his opinion that the scene was heart-rending. The people expected much from His Excellency, but we are disappointed to find that nothing ultimately came out. I do not know whether this is due to the fact that His Excellency found it impossible to break the civilian clique, and I may be permitted to quote His Excellency's words: "His colleagues in the Executive Council were not convinced that the situation was such as to justify the Government in declaring famine." And I am sorry to point out that these honourable colleagues of His Excellency are not to pay for this famine out of their own pockets, nor are they to collect this sum for charity from Great Britain, or virgin Mayo's country, but from the revenues of India. May I remind those hon'ble gentlemen that there is such a thing as Famine Insurance Fund? What is being done with this fund, and for what purpose is it maintained? Sir, the situation of the country is really very grave, the sufferings of the people are incalculable. In my district alone,

about 50,000 people are affected, and even if we exclude 48,000 and attempt to give relief to only 2,000 people with only 4 annas per day, this means 8,000 annas every day, amounting to Rs. 500 per day which comes up to a figure of Rs. 15,000 per month, to save only 2,000 people out of 50,000. And we find that on gratuituous relief the Government has spent only Rs. 12,000 up till now in Bankura. The Land Improvement Loans, the Agricultural Loans so far granted for relief works are quite insufficient for the purpose, because both the two subdivisions, namely, Sadar and Bishnupur, have been affected. In Bishnupur subdivision, Kotalpur, Patrashgarh, Sonamukhi, Indas, Joypore and Jayrampur thanas have been affected, and the condition of the people is horrible. These poor people have sold their all—their cattle, their utensils, their working tools and instruments such as axes, forks, spades, hammers and everything. They are living on boiled leaves, mowha fruits, etc., and getting diarrhœa and other diseases. Before the rains they could not get a drop of water to quench their thirst. There was no fodder for their cattle, and although the Government may take consolation from the fact that rains have set in, and the labourers can get work now, I say that people have no money to purchase seeds, cattle and instruments. They cannot get sufficient agricultural loans from Government; the Circle Officers and the Sadar Subdivisional Officers are refusing to grant loans to those persons who would not accept the Union Boards, who would not give votes to the nominees and favourites of the Government during the last Local Board election. I say all this from my personal knowledge, and I can corroborate my statement. Thus, although there is rain now, the people are helpless in the matter of cultivation. Then what of the old, diseased and disabled persons as well as children who cannot work? Who will save the lives of these people? And even the labourers who are getting work now would be out of employment in September and October, when the situation will be worst. Apart from the question of food, there is the question of saving these unfortunate persons from rain and cold, as there is no straw on their thatch, and the huts have nearly collapsed. The rains would bring in malaria, influenza and these famished persons with no vitality to withstand the attacks of these diseases will fall an easy prey. Then, pray, who will supply doctors, medicine and diet to these unfortunate persons? So the gravity during the rains is not less than what it was before, and the work before the Government and the public is also very great, if not greater. Then, there is no cloth to cover the bodies from shame or cold, so that women cannot come out of their huts even for begging or taking doles or for working to save their lives.

I have personal knowledge of these facts, and I can cite numerous instances where such women, with their children were starving for days together when the Congress relief volunteers got information about

them. When the volunteers went there with rice to their huts, the unfortunate women could not come out, but with faltering voice narrated the heart-rending condition, and the volunteers had to leave the food and a piece of cloth at the door and came away. Since then, they could come out for begging, and I may tell the House that but for the appearance of these relief volunteers, the women would have died with their children. How far the Government officers have neglected their duty can be seen from the facts that death from starvation has actually taken place. All cases have not come to our knowledge, but the case of which I shall now tell my hon'ble friends is one about which I have taken personal care to find out the truth. Recently I had been to the interior of the district and I came to learn that one Khiroda Bowrani, of village Nabagram in Kapistha Basin of Gangajhalghati thana, died of starvation. I took particular care to find out whether it was a case of death from any sort of illness, as it is the tendency of the District Officers to attribute the cause of death to illness, and I can assure the House that she was suffering from no illness whatsoever, except starvation. In other cases I got information of death from starvation from some villages, and on enquiry I learned that although they were starving for days together, they died of some diseases developing out of weakness from starvation. So I did not give particulars of these cases here. And when these unfortunate countrymen are dying, do you know what the district authorities of Bankura are doing? They are promulgating section 144 orders. Mr. Hart, the District Magistrate, is prosecuting Srijut Kamal Krishna Ray, late Chairman, Bankura Municipality, and Secretary, Central Famine Relief Committee, of which the District Magistrate is the President, and was busy arresting the members of the public granting them no bail, and the Sadar Subdivisional Officer, Babu Anadiranjan Bose, of Charmanair fame, is issuing section 144 orders against Srijut Gobinda Prasad Sinha, President of the District Congress Committee. Both Srijut Kamal Krishna Roy and Gobinda Prasad Sinha are the life and soul of relief work, and Kamal Babu's prosecution would practically stop the relief work in Bankura. He is saving the lives of thousands of these famine-stricken people by his selfless devotion and work. Famine relief work, it seems to me, is no part of the duties of these officers. I shall not take up any more of your valuable time in trying to convince you of the urgency of the matter. Naturally I have told much of my own district. I do not want to take much of your time although I had many things to say, as the other members of this House must have an opportunity of saying something about their own.....

[The member at this stage having reached the time limit was permitted by the Hon'ble the President to take another minute to conclude his speech.]

All districts are equally affected and I urge upon the Government to declare famine immediately in Dinajpur, Murshidabad, Birbhum, Burdwan, Nadia, Khulna, Malda and some other districts. If they do not perform their duty now, they will be guilty before God and humanity and will much more effectively undermine the foundation of this Government than even the Swarajists can think of.

Srijut NAGENDRA NATH SEN: I represent the district of Khulna of the Presidency Division and, I think, I would be failing in my duty if I did not place facts and figures, so far as my district is concerned, before the House for their information. It is well known that in 1897 the then Collector Mr. Vincent (afterwards Sir William Vincent) wrote a treatise on Khulna district in which he described the Sadar subdivision of that district as a "permanent famine area." Although the Hon'ble Member in charge yesterday did not admit that there was scarcity in this particular portion of the district, I appeal to Mr. Sachse to say whether Mr. Vincent did not refer to certain portions of the district as permanent famine area. Government is not straightforward to declare that there is famine in any portion of the district of Khulna. When Khulna suffered terribly from the last famine, my own countryman, our distinguished patriot, Sir Prafulla Chandra Roy, opened a relief fund, and through his energy and tactfulness a serious famine was averted. I should state here that we are also grateful to some philanthropic gentlemen of Bombay and some mill-owners who gave us Rs. 3 lakhs in cash and about Rs. 6,000 in kind.

Since the great cyclone of 1919 this portion of the district has been in a very serious distress and famine due to flood and successive failure of crops and gross apathy of Government in failing to dredge the upper reaches of the Bhairab, the Betua, the Ichamati and the Mathabhanga rivers of the Khulna district. Because of the paucity of sweet water, the intake of the salt water is so great that no cultivation is possible without the aid of rains, and therefore the people have been in terrible distress and famine.

Like Mr. Chatterjee I have no complaint against the local officers. On the 29th December, 1927, the Subdivisional Officer of Satkhira wrote to the Collector after personal inspection of the locality that conditions were very acute and that Rs. 40,000 as agricultural loans, Rs. 20,000 as Land Improvement loans and Rs. 10,000 as gratuitous relief were absolutely necessary. The Collector of Khulna was satisfied that the figures were correct and that the state of things was as depicted by the Subdivisional Officer, and in the middle of January the Collector sent in his report to Government. Thereafter the present Divisional Commissioner, Mr. Sachse, went to the locality personally and satisfied himself that the conditions were as stated by the Subdivisional Officer. He had a talk with the Vice-Chairman of our District

Board and made it clear to him that Government were willing to combat famine conditions, but unfortunately very little action had been taken; the measures taken by Government are entirely inadequate. I appeal to Mr. Sachse to tell the House what he saw with his own eyes.

I may also tell the House that on the 2nd July last at a meeting the Collector himself declared that an area of 180 square miles was affected and about 90,000 people were in acute distress and 1,000 people on the verge of starvation. These are not my words, but they were the words used by the Collector, Mr. Quinton, at a meeting convened by himself to devise means for dealing with the famine conditions in Khulna.

3-30 p.m.

All thanks to Mr. Quinton: Now the conditions being such that steps taken by Government have been very inadequate to meet the situation. Ninety thousand people are famine-stricken and 1,000 are on the verge of starvation. What is 4,000 rupees which has been advanced for gratuitous relief?

Some complaints have been made with regard to the method and manner in which loans have been given. These loans were given at a time when sowing season had not commenced. By the time the sowing season commenced, the people had already expended it by food grains so that at the present moment the cultivators have neither food grains nor any seed to sow. In my part of the country sowing season continues up till September. If Government do not do anything now, people are sure to die. Some people have already begun to die, though statistics are not yet available. I accuse the Government that, as Khulna is a river district and as it is inundated with saline water which interferes with the growth of crops, of being culpable negligent in taking proper steps. Government's negligence has been heinous because the inundation is preventible. Government have not tried to raise their little finger to help. I, therefore, suggest—we have suggested it times without number—that unless Government takes action to reclaim the upper reaches of the river there is no hope of changing the ever-continuing famine conditions in this part of the country. Last year there was no rain and, in addition to famine, there was an acute scarcity of water. Consequently, there was heavy death roll due to cholera and other epidemic diseases. These facts may be verified by Government.

I must confine myself to my district and I want to take this opportunity of thanking the members of the Khulna Seva Sanga inaugurated by Swami Pronadananda for rendering yeoman's services during the famine of 1921 and ever since then. In this connection, I must also say that the Bengal Provincial Congress Committee sent a deputation

consisting of Babu Shyam Sunder Chakravarti and Pundit Taranath Vedantobagis to enquire into the conditions and they have satisfied themselves as to the famine conditions prevailing in Khulna. Cases of distress are also appearing in the newspapers daily but Government is adamantine.

I earnestly appeal to the Hon'ble Member in charge and also to His Excellency the Governor not to leave any stone unturned to fight the situation. Sir, some remedial measures should be taken in hand so that distress may be cured permanently. I hope His Excellency will visit the upper reaches of the Jellanghi and of the Bhagirathi rivers. I also appeal to the Irrigation Secretary and the Private Secretary to His Excellency the Governor to induce His Excellency to visit the upper reaches of the Matabhanga also in order that some measures might be adopted. In the name of this Council I again appeal to His Excellency not to let things drift.

Maharaj Kumar SRIS CHANDRA NANDY: Sir, I am glad we have been offered an opportunity to discuss this matter of great urgency. Though famines are no longer extraordinary in this country, yet they are mattters of more concern to the people than Council, Committees or Commissions. It is a pity that as the genial author of "Twenty-one Days in India" remarked about a half a century back —"While the Indian villager has to maintain the glorious phantasmagoria of an imperial policy, while he has to support the legions of scarlet soldiers, golden chaprasis, powerful politicals and green commissions, he must remain the hunger-stricken, overdriven phantom he is." About 50 years after we still find that famine is the horizon of the Indian villager, insufficient food is the foreground.

This is not the occasion on which we need go into the causes resulting in famine which have become things of the past in the West, recurring in India with the periodicity of climatic changes. What we are concerned with is the serious situation that confronts us to-day and of which the House has got an idea from the blue pamphlet which was distributed in the Council lobby yesterday.

To a question put by me the Hon'ble Sir Nalini Ranjan Chatarji has given the reply to-day that the population in the affected area in the district, which I have the honour to represent, is about 129,000, and what has been the amount spent to mitigate their sufferings and make it possible for them to weather the squall that has overtaken them? The amount spent in gratuitous relief is Rs. 4,000 while the loans given for land improvement and agriculture amount to Rs. 1,14,240, i.e., not even a rupee per head of the population in the affected area, this is sufficient to convince our captious critics that the Government help has been inadequate. Thanks to the watchfulness of our District Magistrate, Mr. French, the Government were made

aware of the serious situation early and advanees were made to the District Board for test relief work. But we all know that the rate at which the workers are paid is inadeqaute and besides those who can come to work in these centres, there are others—the old, the infirm, the invalid, the child, and the middle class—who cannót come to these centres and who prefer death to the dishonour to such manual labour.

I admit, Sir, that in comparison with the severity of distress in some of the sister districts the acuteness of destitution in the district of Murshidabad has been less, but in certain parts of the Kandi and Jangipur subdivisions it is as bad as in any other district. It has not been possible to offer any help in one police-station Farrukka.

The rains have yet set in and precious time for agricultural operation is being lost for want of seeds, cattle and plough. Dire distress has compelled the agriculutral population in parts of the district to sell off their cattle and ploughs. This has added to the disruptive tendencies of a rural population already in a state of decay and disintregation.

What is wanted is ample help and that without further delay.

I shall be betraying the trust imposed on me by my electors if I do not implore the Government on their behalf to fill full the mouth of famine and thus save from disaster the bold peasantry which as Goldsmith said in his inimitable way "When once destroyed can never be supplied."

The people of my district regret that indisposition precluded the possibility of His Excellency the Governor paying a visit to Murshidabad or he would have seen the distressing spectacle of a people in the grip of famine. A Relief Committee has already been formed and doing very useful work. It deserves encouragement and help from the Government and co-operation from Government officials.

I again implore the Government to take necessary steps to mitigate the sufferings of the people and thereby discharge the duties of a civilised administration and earn the gratitude of the governed.

Babu JOGINDRA CHANDRA CHAKRAVARTI: Sir, I am grateful to you for the opportunity that has been given to us to-day to discuss this matter of very urgent importance. The members of this House are already aware of the intensity of the distress prevailing to-day in eight districts in Bengal. From the figures given in answer to questions asked yesterday it would be found that altogether 12 lakhs of people have been affected and were in the utmost distress, and we also have a statement of the amounts that have been sanctioned by the Government to meet the situation. The point I should like to impress upon the Council is that the Government have failed to discharge the duty which was expected of them having regard to the allegations made about intense suffering of the people. I will try to show from the

answers given how inadequately the Government have dealt with this matter. I invite your attention to the answer to the question No. 18 (2) put by Mr. Ahmad. The answer merely referred to the Government communiqué of 21st May, 1928, and I am surprised to find that answers like those given to Mr. Kasiruddin Ahamad's questions should have been given by the Member in charge. That communiqué did not show what steps the Government had taken to alleviate the sufferings of the people in the province. Anyhow the figures that have been given show that the Government have sanctioned loans for Rs. 1,53,200 for Land Improvement Loan, Rs. 87,901 for Agricultural Loan and Rs. 38,000 for relief work altogether amounting to Rs. 14,47,201. But during which time do you think that all these amounts have been sanctioned? From the winter of 1927 till July, 1928, to meet the situation of eight districts where about 12 lakhs of people are affected. I should like to ask the Hon'ble Member to consider whether this sum is sufficient for the purpose for which it is intended.

You have heard about the condition of things in Bankura, Khulna and of Murshidabad and I will now give you some of the facts from my own district, particularly with regard to the subdivision of Balurghat. In answer to question No. 23 we have been told that 1,50,000 people are affected in the Balurghat subdivision and that the Government have sanctioned Rs. 2,67,001 for Agricultural Loan and a sum of Rs. 1,70,892 was disbursed up to 28th June, 1928. This loan which is being advanced is totally insufficient to meet the needs of the people. This loan is being given at 6½ per cent. repayable in two equal instalments, the first in February, 1930, and the next in 1931. These advances are not money actually spent, but are recoverable within the space of three years and they are given on proper security of the land.

The question that now arises is what excuse could there be on the part of the Government for not giving sufficient loan as required by the people for their needs. It is stated that these loans are given to the peasants to purchase cattle and seeds and not for maintenance. How then are these men to maintain themselves and their families? It is not sufficient to keep their bodies and soul together, and with the few rupees given it is impossible for them to purchase cattle and seeds and carry on cultivation. I ask the Government to consider whether they should not change their policy.

Reference has been made to the Famine Code, but section 41 of this Code provides that liberal donation should be given under the Land Improvement and Agriculture Loans Act; and if necessary should continue to be given whether famine is declared or not until normal conditions are restored. Now in Balurghat about 300 square miles of area are affected. The Famine Code provides that liberal donation should be given. The question is whether what has been done could be considered as liberal donation. If liberal donation had been given

they would not be receiving such terrible news of starvation. In dealing with this question, I would again refer to certain answers given yesterday. We have been told in answer to question No. 23 (7) on the previous day that these allegations of death by starvation have been found on enquiry to be far away from truth. In regard to question No. 23 (8) the answer was that no cases of death from starvation had been reported to the Government. How could the Government say that the allegations are untrue without an enquiry being made? I would refer to the communiqué in May last and the statement made in "Forward" of the 12th May regarding the sale of children by their mothers in the subdivision of Balurghat and these have been reported as not true. Even after that several cases of death from starvation have been reported not only in "Forward" but also in several Indian papers both vernacular and English, and I cannot understand what the Government meant by saying that no cases of death had been reported to the Government up to now. I may inform the members of the House that a local Relief Committee has been formed at Balurghat which are going into the villages to make enquiries and they have ascertained how many deaths have occurred in those villages. That Committee have published their report which appeared in several papers. They found that in 18 villages there had been 29 deaths due to starvation. There were 2,165 villages affected and the Enquiry Committee visited only 18 and found that there were 29 deaths. From this one statement it can easily be imagined what the death-rate from starvation is. Am I not therefore justified in bringing the charge that Government have absolutely failed in the due discharge of their duty towards the people? The Government said that they were trying to do their best to meet the situation. May I ask, and ask seriously, is this the way in which they are doing their best? There are 2,400 families which stand in urgent need of agricultural loan. Taking the very modest figures, Rs. 100 should be the minimum to be given to a family as loan, to enable it to carry on cultivation, purchase cattle and so on. The policy followed in my district is that whether a person has 25 bighas he is told that he would get Rs. 50. As a matter of fact they in some cases got Rs. 10 or Rs. 12. My idea is that in all these eight districts the Government should advance Rs. 80 lakhs or one crore, if need be, to save the people. A large portion of this would be recoverable in two or three years. If the Government do not do that they would be failing in their duty which is incombent upon them to discharge.

With regard to deaths it is said that some enquiry was made but they were reported to be not true. It seems to me that the Government are trying to suppress the cases of death. I have come across a death where a chaukidar reported that the cause of death was starvation, but this was struck out by the jamadar, his superior officer, and the cause of death was put down as malaria. I am showing that a deliberate

attempt is being made to suppress deaths from starvation. Is it in consequence of instructions issued by the Government or the local police acting in this way on their own initiative? I would strongly urge with all the emphasis that I could command that the loan policy of the Government should be changed and gratuitous relief given on more liberal lines.

Srijut RADHA GOVINDRA RAY: Sir, I rise to support the motion of my friend, Sj. Bijay Kumar Chatterjee with a very heavy heart. I have been several times to the famine-stricken area in the interior of Vishnupur subdivision,—my constituency,—in course of a few months and witnessed the condition of the people with my own eyes. What I actually witnessed is too pitiable to be adequately described in words. Thousands of families in the thanas of Sonomukhy, Patrashar, Kotolpur, Indas, Joypore Barjora in the interior of Vishnupur and Bankura subdivisions have been terribly affected and cannot manage to secure one single full meal a day. The people who are not in a position to satisfy their hunger cannot afford to supply themselves with clothes and manage to repair their huts. Famished band of men and women with haggard faces and skeleton figures, having a large number of nude, wretched children behind them, gathering round us in villages, where we had been in course of our tour in the famine-stricken areas, tell us stories of sufferings which you seldom come across in the imaginative pictures of any novelist or a poet. They are pathetic from beginning to end. Hunger has distorted everything in the lives of human beings: Husbands selling their wives, mothers selling their children, honest labour turning burglars and thieves, all sorts of pathetic and painful stories you will hear in the famine-stricken areas from the people, who are experiencing what famine is. Sir, I request my fellow councillors not for a moment to think that I am giving them exaggerated pictures, in order to draw out sympathy from them. Not the least. Reality is greater than any exaggeration I can make.

The question that is most urgent for the councillors as also for the Government to know and discuss is: Why this condition? Why this terrible sufferings of the people? What is the reason of these constant and recurring visitations of famine in the once prosperous villages of Bengal?

This is the most important question—more important than the question of forming a committee to assist the Statutory Commission, more important than the function of laying the foundation stone of our Legislative Council buildings, more important than the question of gathering evidences to supply materials to the Parliamentary Committee of Lord Birkenhead which is coming here to draft out a political constitution for India and Bengal, more important than any social, religious or moral problems that are disturbing the minds of the leaders

of Bengal. Why this condition? Why the sons of these once fertile lands of Bengal—Bengal which had been full of water, full of fruits, ever rich with abundant burden of crops—are really in need of a handful of rice to satisfy their hunger once in the course of day? Failure of crops, you will at once urge, is the root reason. Failure of crops also will urge Government officials from the opposite group. I say no, an emphatic no. I have gone into the problem very carefully. I have carefully surveyed the conditions of the people of my district and I have scrutinisingly analysed the agricultural, industrial and irrigation problems of my district, especially of my subdivision, and I have been convinced of a truth, which I do think it my duty clearly to speak out in the floor of this Council Chamber for the illumination of Government, if not for the elected Indian members, majority of whom, I am sure, have realised the same truth by studying the problems of their respective districts. Sir, if we go on putting the question "why" deeper and deeper enough we shall come to the inevitable conclusion, for the grasping of which by this dialectic procedure, I have the least chance of ever being rewarded by our masters here Reward or punishment I care very little. Truth must be told in the prospective hope that truth will ultimately save itself. Sir these constant failure of crops in the district is due to the silting up of the numerous big tanks which in pre-British days used to irrigate large areas. These lake-like tanks were the works of the Mulla Rajas of Vishnupur. The people in their extreme poverty would not even think of re-excavating them and the Government also paid no attention to the matter. Being thus at the sole mercy of the vagaries of the monsoon, the district had come to become a land of famine. Bankura had been under the benign rule of the Vishnupur Mulla Rajas before the advent of the Vaishya Raja of England. Mulla Rajas though powerful had never been sufficiently rich because they had not extensive kingdom. But what did they do for the improvement of their zamindary? The present mighty Government can very well take a leaf out of their book in order to save the people of Bankura from the terrible disaster of famine for all time to come. If you travel round the interior of Vishnupur subdivision you will find large number of tanks, specially dug out for the purpose of irrigation. Some of these tanks irrigated 4,000 bighas of lands. There are plenty of such, not one, two or three. I have consulted expert Engineers and they have told me that the excavation of such tanks during the present days will cost more than a lakh of rupees. These tanks were excavated by private individuals of the villages. There is now not a single individual, residing habitually in the district, who can afford to dig out one such tank. These tanks have all been silted up and the question of re-excavating them is beyond the dream of the people. Owing to the existence of these tanks, failure of crops had been practically unknown in Bankura. During the days of Mulla Kings—petty zamindars in

comparison with the mighty British Raj—these things had been possible, but now it has become a thing not even to be dreamt of. Agriculture without irrigation in lands which depends upon favourable monsoon is impossible. Want of irrigation then becomes the cause of the famine. Why do not the people irrigate, you may ask. Because the people are extremely poor. Why they are poor? Because of the exploitation of the people by the British Raj.

The cottage industries of Vishnupur are now in ruins. The silk industry of Vishnupur subdivision had once been very prosperous. The brass utensils, iron materials, copper-made things, conch-shell articles and many other small cottage industries, which supplied bread to lakhs of people are now in ruins. Thanks to the swadeshi agitation the conch-shell industry has been revived since. But all the other industries are gradually dying out. The silk cloth and cotton cloth industries in the district of Bankura are about to disappear. The weavers who form the bulk of the population of my subdivision are now reduced to extreme proverty. A weaver who used to earn Rs. 2 per diem by working in his loom for eight hours is now getting only five annas. The work of a silk weaver is always supplemented by the labour of the female inmates of the house. Thus this five annas is the earning of a family. If there be a lakh of weavers in the district their bread problem becomes a very pertinent question to solve. We are daily getting information that the weavers are leaving their hearths and homes in search of occupation elsewhere. What occupation they can get? They are being reduced to coolies in Assam tea plantations or in the jute mills. Six years ago they were prosperous but now they are beggars. I have called the attention of the local Government officials and given them detailed accounts of the sad lot of these poor people but they have not done anything. I have tried to investigate the real cause of the gradual ruin of the silk industry, and I have been told that the importation of artificial silk is the cause of the disaster. The brass metal industries are also in a slow process of death. Agriculture is not a prospective occupation. The agriculturists of Bankura are proverbially poor. Such being the normal condition of the people of my district, it is no wonder that the partial failure of the crops will lead to ruin and disaster. Over and above this economic disaster there is the terrible scourage of malaria. Almost every member in every house of the villages in the interior of Vishnupur subdivision suffers from chronic malaria. Extreme pictures of liver and spleen,—the pathetic figures which you might have seen in the advertisement pages of Mr. P. M. Bagchi's Almanack,—you will come across by lots in the interior of Kotolpur and Indas thanas. The terrible sufferings of these people, if properly recorded, will be an explanatory commentary of the benefits of the British rule. Sir, this year the complete failure of crops in the interior of Vishnupur and Bankura subdivisions has caused severe disaster and

the normal famine condition has been infinitely aggravated. The Government officials who care only for the favour of their superior officers draw out reports which their masters would like. These officers, whose high salaries cannot make them happy and contended, had the audacity to declare the condition of the people who are really starving—easy. The famine, according to them, is the condition when the people will be actually starving for days together. His Excellency visited two relief centres in the subdivision of Vishnupur and witnessed the conditions of the people with his own eyes. He told us that he had been moved with what he saw. In the conference, however, he announced a grant of Rs. 4,000 only to give gratuitous relief to the famine-stricken people of Bankura. The people were completely disillusioned. They expected that when His Excellency was coming down from the height of Darjeeling in the extremely hot weather, he would certainly do something really substantial to mitigate the sufferings of the people. The money that was spent for his coming down from Darjeeling, could have very well been spent in relief work. The District Magistrate of Bankura, who is the president of the Bankura Central Relief Committee, is always anxious to minimise the sufferings of the people. Babu Kamal Krishna Roy, a prominent Congress worker, is the Secretary of the Central Relief Committee. He has been touring round various places collecting funds for relieving the distressed people. This selfless gentleman has been served with a notice under section 117, Indian Penal Code, for the alleged offence of exciting the Hindus of Bankura to disobey section 144, which Mr. Hart promulgated in the town of Bankura. Relief work is now being neglected. Instead of opening new centres, the list of recipients are daily being curtailed without sufficient consideration. Sir, in making these observations I have confined myself entirely to the conditions of the people of my district, specially to my subdivision, about whom I have first-hand information. I ask the Government to take note of all these facts and make immediate provision for relieving distress of the people. It is my loyal duty to remind the Government that the situation is extremely serious. Unless some practical steps be taken to remove the actual cause of the permanent distress, the people might be driven to take recourse to steps which we really shudder to think. My friend, Mr. Chatterjee, has given complete details about the famine. I can give out details equally pathetic from my actual experience. Sir, I shall not intrude upon the members' valuable time any more by repeating facts of similar nature. With these words I support the motion of my friend Mr. Chatterjee.

Mr. F. A. SACHSE: I am glad that the member for Khulna has returned to his seat in time to hear the explanation he directly asked for. He referred in his question yesterday and again in his speech to-day to Mr. Vincent's report of 1897. He said that a certain area

in Khulna was described by Mr. Vincent as a permanent famine area. When I saw the question I got the original report from my office and I could not find that expression anywhere in the report. I must admit, however, that the whole tenor of the report supports the theory that there is a certain area in Khulna which is, and must always be, liable to famine. I also find that Mr. Vincent gave the very same reasons for this state of affairs which are now given 30 years later by the much-abused local officers. Mr. Vincent reported that "owing to the reclamation of new lands and their protection by embankments, the salt-laden tides were coming further up than in the past. In the absence of sufficient rain to wash away the salt, paddy could not grow." That is exactly the state of affairs that has caused difficulty this year. Last year there was not sufficient rainfall in June to wash away the salt. It is true, of course, that the Ichamati and other rivers which flow out of the Ganges are carrying less fresh water than they used to do, but this is not a new phenomenon, it was also reported by Mr. Vincent 30 years ago. I do not think that it is the main cause of the disappointing harvests. The main reason is that there has been so much land embanked and reclaimed out of the forest that there are not sufficient spill areas for the tides to spread over in the southern parts of the district.

What the remedy is, it is extremely difficult to say. I have dealt recently with the Khulna Settlement Report and I have read Sir William Willcock's lecture and I have also read the Irrigation Department's reply to that lecture. Everybody knows that at one time the Ganges came down the Bhagirathi to the Hooghly; then the main stream flowed through the Bhairab and then through the Matabhanga. Eventually it joined the Megna and now flows past Chandpur to the sea. As the result of this gradual march eastwards, practically all the rivers of Khulna and Jessore have dried up to some extent. The Irrigation Department could keep them clear at certain points as an experiment. But I fail to see how such a step would really help those lands in Khulna which lie below the present level of the surrounding rivers. At every high tide I found the water at least 2 feet higher than the paddy land. That was in May after a prolonged drought. One can imagine what must be the condition in September and October when the crops are growing. These lands can only be cultivated if the embankments are maintained. That is not the duty of Government, but of the zamindars and the tenants. Why the tenants cannot do it, I can never understand. These embankments are not very high, and if 20 or 100 men collected with kodalis for a few days in each cold weather they could easily do it. The whole problem is a difficult one, and Government cannot be blamed for not being able to improve or change the course of nature. The whole fault lies in the fact that there is not a sufficient land to supply the needs of the agricultural

population, and people have started cultivation in places which are not yet fit for it. I visited Assasuni when famine was going on there in 1921 and I visited it again this year in May. The position then was very much better than in 1921. In this year I found—(A VOICE: Plenty of milk and fish?) I do not know about milk and fish—that there was no sign of physical emaciation among the women and children wanting food. The village where conditions were said to be the worst of all was Kalagati. I was taken there by the President of the Union Board. Almost all the houses to which I was taken contained only women or immature youths. In one particular case there were four widows, whose husbands had either died of cholera or had gone away to the forests; they were living in a village where they had no other source of living than cultivation, they had no men to work for them and could not afford to employ labourers for cultivation; so there was nothing else before them but famine even in a good year.

The member for Khulna declared that Mr. Nandy made a report in February, and that Government had taken no action on it at all. The exact sum asked for in February has been given by Government, and it was given in June; it is Rs. 54,500. It was not given before, because the people would have spent the money before the fields were ready for ploughing and agricultural operations.

I had a long talk with the Chairman of the District Board and tried to persuade him to keep a sum of Rs. 14,000 earmarked in his budget for petty grants to the Union Boards. I said that Union Boards were a new thing and it was not absolutely necessary for them to have money for local roads and petty improvements, if the money was urgently needed for more important things. He replied that this would be a very unpopular measure and he did not recommend it. I was justified, therefore, in thinking that at that time the members of the District Board did not regard the position as very grave. I do not think that in this country of Bengal, which is always green and prosperous, there can be a real famine unless you have a failure of rain for two years.

Rai HARENDRANATH CHAUDHURI: Do you admit that Bengal was a green and smiling country?

Mr. F. A. SACHSE: Yes, Bengal *is* a green and smiling country. There can be no real famine unless there is a failure of rain for two years running. Who knows what is going to happen this year? You have already had a lot of rain, the paddy seedlings may rot with too much water, and we may have another bad harvest. Would it be wise for Government to draw upon their Famine Reserve Fund? It is only 12 lakhs of rupees, and we must preserve that fund for future emergencies.

One member suggested that Government might pay out a whole crore of rupees to the people of the affected districts. I doubt very much if this sum could be repaid in one or two years. It is not the policy of Government to increase the indebtedness of the people. Money spent on maintenance cannot be repaid easily. Therefore the policy of the local officers has been to make the fullest inquiry before any money is granted. In the case of Khulna, we did not ask for any money until a late date, because we thought that in the other districts which had been reporting difficulties much earlier, all the money available was wanted more urgently. I may say that there are now in Khulna five special officers looking after the distressed areas they are actually distributing loans and making enquiries regarding those who want loans as to how much land they possess, how many cattle, what they would do with the money if they got it. The augmentation grant of the District Board of Khulna has been increased by Rs. 8,000 and Government will see that it does not become bankrupt. I found in one of the Khulna villages an old Brahmin gentleman digging his own tank and he was paying his labourers 4 annas a day: he had to stop work because he had no more money; I gave him enough money from the Commissioner's grant to enable him to finish the work. You will find many people in Bengal taking advantage of famine conditions in the country to have their own work done, and they are paying their labourers even less than Government pay for test works.

Maulvi KADER BAKSH: I do not give any picture regarding the condition of the famine area in my district, as this has been done by my friend on the other side of the House. The question before the House is whether Government has taken any steps to ascertain the truth or otherwise of the situation prevailing in the whole province, and whether Government has taken all steps, which they are bound to, to relieve the distress of the people. I did approach Government and many gentlemen, including some members present in this Chamber, and they all said they wanted a report from the District Officer, and were not willing to act upon our suggestions alone. I told them if they did not believe what I had seen with my own eyes, they could go themselves to the locality and enquire into the conditions prevailing there. I told Mr. Sachse this in March, and he replied that he had deputed certain officers specially to meet the emergencies of the situation. He did not agree to go there personally as he said he had other important work to do. I described the conditions in the affected area to him, and if Government took precautionary measures in time, there would not have been such disastrous consequences now. At the middle of February I requested Government to grant agricultural loans and distribute the same before the end of April, but now they say that about Rs. 2,06,000 was granted by way of agricultural loans for Balur-

ghat subdivision, but only Rs. 1,70,000 had been distributed up to the 30th June last. Why has not the balance been distributed, even by 30th June and why was it not distributed earlier?

Yesterday Sir Nalini Ranjan told us that the season was not yet over; I can assure you that he has never been in the mufassal, he does not know the condition or the living of the people. I have been in the affected area, and I know the conditions perfectly; the season will be over by the 15th of Sravan, which is near, and it will be too late for any relief to be given now. If any of the local officers be present—and I was told that they had come to Calcutta, and are present in the gallery.....

Mr. PRESIDENT: You must not refer to anybody in the gallery.

Maulvi KADER BAKSH: All right. My advice to him would be to place before the Government the actual state of things so that Government might be in a position to deal with the situation better. My advice to him would be not to minimise the situation, but to represent facts. I may tell you that the local officers try to minimise the situation; had this not been done, the situation which has arisen in Dinajpur would not have occurred. I can assure you, Sir, that only 30 per cent. of the needy people—this is the official figure—have got relief; though a loan of Rs. 2,06,000 has been granted, another Rs. 5 lakhs will be required within the next 10 days if you want to save the lives of 5,000 people coming for gratuituous relief every day.

4-30 p.m.

Several different associations have been started in the district and 500 people come daily for relief to the Congress centres. I can tell you, and I am supported in my statement by authority, that 10,000 will be coming within the next 10 days for relief to the various centres. The gravity of the situation cannot be described, but can be seen with one's own eyes. My suggestion would be, and I am supported by the local officers, that Rs. 5 lakhs more will be required if you want to save the people from death by starvation. I can tell you that more officers will be required to distribute this loan if granted. People have already sold away their children, their wives, cattle and everything they had. Government give a dole of Rs. 50 in some cases, and in others Rs. 5 or Rs. 10, in some cases Rs. 30. Is this sufficient at all? If a man has to purchase his cattle for cultivation, he must require Rs. 50 or Rs. 60 for that alone. He has to maintain that from Sravan to Agrahayan, that is 5 months at least at the rate of Rs. 4 a month, that is Rs. 20. He requires Rs. 10 for the purchase of seed, and Rs. 90 for the purpose of cultivation and to keep him alive during the period of cultivation. In some cases only Rs. 10 has been granted, which is no

good. My suggestion is that pressure should be brought to bear upon Government to make further grants in all the affected areas throughout the province as promptly as possible. They say there is no famine in Bengal; I may tell you that they have never been in touch with the public. We supplied food to the whole of Hindusthan right up to Karachi, and we never begged for help, but now we have to work like coolies and depend on others. What steps have Government taken for Dinajpur? They have done nothing; it has to depend on the rainfall for cultivation; there is no system of irrigation. To meet this extraordinary and emergent situation, Government must suspend all ordinary work, and fulfil their paramount duty to the people by taking all necessary steps to save their lives.

Babu JITENDRALAL BANNERJEE: As coming from one of the famine-stricken districts, the district of Birbhum, I too have a complaint against the Government in the matter of the non-declaration of famine. Considering the fact that the number of deaths is not less than 200 per week in the area of Balurghat alone, considering that the population affected by famine amount to 12 lakhs, and considering that the people have clearly been reduced to the dire necessity of living upon the boiled leaves of trees, we humble, ordinary people not familiar with the high mysteries of politics fail to see which occult reason of State might have prevented Government from making an open declaration of famine. But I forget that there is one consideration which might have weighed with the Government. If once famine is declared Government will be bound, by the provisions of their own Famine Code, to undertake the whole work of relief, and naturally that is a burden which they shrink from undertaking in discharging the high responsibility of their trusteeship. I cannot deny that Government has done something, and also that some Government officers—not all, by no means all—have devoted themselves heart and soul in certain parts to the task of coping with famine relief. I shall give one illustration to the House. In one district agricultural loan operations commenced in December and January when the rabi sowing season was just commencing, but unfortunately there was only one Loan Officer entrusted with the duty of distribution. I suggested to the District Magistrate that if the people were allowed to approach the Loan Officer direct through the local relief committee, it would facilitate matters a great deal, but this was not to be. The usual routine of circumlocation has been followed; the people had to apply to the Circle Officer, the Circle Officer goes to the Subdivisional Officer, the Subdivisional Officer to the District Magistrate, and the District Magistrate to the Loan Officer, and then the whole process has to be reversed, the Loan Officer to the District Magistrate, the District Magistrate to the Subdivisional Officer, the Subdivisional Officer to the Circle Officer, and the Circle Officer to the

applicant; and by the time this intermediate process of correspondence had finished, the rabi sowing season was over. A very similar thing is happening now also. At present there is no dearth of officers, in fact there are plenty of them, and yet operations are being hampered by this stupid red-tapeism of the Government machinery. There are some unnecessary rules; under the first rule in some cases a loan of Re. 1 per head is given, in some cases Rs. 2 per head; the next rule is that a loan of Rs. 25 is given under certain conditions, and the third rule is that people holding 15 or 20 bighas of land are not entitled to any loan at all. Does the Government suppose that people holding 15 or 20 bighas are not in want? I would suggest that these rules be relaxed or steps be taken to abrogate these stupid provisions. There is no risk in that, because the Loan Officers are subject to the supervision of their superior officers; suspend the operations of these stupid provisions and increase indefinitely the amount placed at the disposal of the district authorities for gratuitous relief. At present the amount is Rs. 12,000 to Rs. 14,000 in each district; that is the maximum. That is nothing; it should be increased to at least Rs. 2 lakhs per district.

Mr. Sachse must be frightened at the prospect of the grant of a crore of rupees, but after all the money will not come out of his pocket, or mine, or even from the imaginary pocket of the Government: it will come from the people and I am quite sure this House will sanction the grant. (*Loud cheers.*)

Sir, I have spoken of the defects of the Government, but there is another matter to which I am bound to refer, and that is the apathy on the part of the zamindars. If Government has its duty to the people, so also the zamindars of Bengal have their duty to their tenants. And how are the zamindars of Bengal behaving in this year of famine and distress? They are still drawing one crore of rupees as rent from their unfortunate tenants; they are still going on with their rent suits, and they are still taking the most drastic steps for the execution of their rent decrees. I tell the zamindars of Bengal that they are this year on their trial, and their future existence as a class will depend upon how they behave themselves in the present ordeal, and how they come out of that ordeal. If they do not rise to the height of the occasion, I may tell them they will have to pay a heavy reckoning when the day of judgment comes, as come it will, and sooner than they expect.

Dr. J. M. DAS GUPTA: I move that the question be now put.

Mr. PRESIDENT: Dr. Das Gupta, I think we can get on with this motion right up to 5 p.m., so you can move your motion about that time.

Khan Bahadur Maulvi EKRAMUL HUQ: One of the Swarajist members on the other side of the House thanked His Excellency for the kind interest he has taken in the famine-stricken people of our country. Murshidabad was also awaiting the opportunity of showing the distressed condition of the people there.

My friend said that it was the civilian clique that was responsible for the distress of the people. I think he would have been more true if he had said that our country civilians were mainly responsible, because they come into contact with the people of the country, and it was their duty to speak to their superiors and tell them that the situation was very grave. They could tell those who had the power to remedy things, that they were doing the gravest wrong to the people of the country by not attending to the distress of the people. Unfortunately, Sir, Bengali officers see things at times through the eyes of their superiors, and if their superiors think that they do not like to be told about unpleasant things, they keep quiet.....

(At this stage there was loud speaking amongst the members, and the President called the House to absolute silence.)

On several occasions I have had the privilege of informing the House that the situation of Murshidabad also was very grave. I had the honour also of moving a substantive resolution to the effect that a substantial amount of several lakhs ought to be granted for relieving distress of the people of Murshidabad, but unfortunately that resolution could not come up for discussion. I have also brought the fact of the distress to the notice of the authorities, and also in personal conversations have been able to arouse their sympathy. I may say that Mr. Sachse took steps to minimise the sufferings of the people, but I can assure you that the services rendered by these people and also by Government have not been at all sufficient. Not only in the subdivision named by my friend Maharaj Kumar, but also in the Lalbagh subdivision, for instance, in thana Nabagram and Sagradighi as well as in the Sadar subdivision, the distress is acute. I may assure Government through Mr. Sachse that they will be doing a grave injustice to the people of the Sadar subdivision, if they do not extend their help to the people there. There the Bhadai crops have also failed, not because that they have not grown them, but because they had no money to weed out the crops.

4-45 p.m.

The only remedy that lies with the Government is to immediately grant relief to the distressed people. Whenever the Subdivisional Officers and others grant *takavi* loan they will generally ask for the production of a security but nobody in the villages will bind himself for another, with the result that the man in distress who has property, is not in a position to get the necessary loan. I know that in many

cases these people have been offered Rs. 5 or Rs. 10; but, Sir, may I ask if this paltry amount is sufficient for them? These officers must have very strange ideas about the needs of their countrymen. They are mostly our own countrymen who get fat salaries and are fattening on them, but they do not feel for the sufferings of the poor peasants. Sir, the peasants may well say in the words of the poet Hafiz:—

Shab-i-tāreèk beem-ā mauj-o-gardab-ā choneen häel;
Koja dänund häli mä subuk särän ā sähil hä.

Those persons who have not suffered are not expected to know the sufferings of the dumb millions. It is necessary that Government should immediately relieve the distress of the people in the areas affected. The granting of loans in the shape of the *takavi* loan is to my mind the only possible remedy.

The Hon'ble Sir NALINI RANJAN CHATARJI: I have been asked why has not famine been declared. The reason is that the present scarcity affects several scattered districts and within these districts only particular localities are affected—even every village within the locality is not equally affected.

Relief is, therefore, best provided by what are known in the Famine Code as village works, small works carried out by official agency appointed by the District Officer. When famine is declared the Public Works or the Irrigation Departments are called on to open large departmental relief works. Such a course would not suit the present conditions of Bengal; it would not suit the people affected to leave their homes to attend large works at a distance; it would not in the circumstances be economical.

In the Famine Code it is stated that the system of village works is not suited to districts where distress is very severe.

When distress is very severe and famine is declared a more rigorous system of administration comes into force. For example, the task when famine is declared is the ordinary full task which an agricultural labourer performs. The rate of wages for the full task in the case of an ablebodied man is one seer of rice or the equivalent in money eleven pice when rice is at six seers a rupee. This rate is small but the smallness of the rate follows from the fact that the obligation of Government relates to the saving of life. Under the present system they are getting more.

The figures of attendance at test relief works definitely prove that there is no case for declaring famine. In Dinajpur the number attending test works was 3,437 two months ago, and is now 349 only. In Murshidabad and Nadia test relief works have been closed as people ceased to attend. In Bankura and Birbhum the numbers have fallen rapidly. It is only in Malda that the numbers are still considerable but have fallen from over 6,000 to half that number.

The main question for us to consider is the question of granting agricultural loans before the present season is out. Altogether about Rs. 10½ lakhs have been allotted to the affected districts. Government have granted such amounts as they have been asked for by local officers from time to time and no demand (I say this deliberately) of the local officers has been refused. Government have of necessity to act upon the recommendations of the local officers.

It is said that the amounts paid to agriculturists are inadequate. But the adequacy is to be determined by the officer on the spot and the Government have to depend upon them.

Loans have been granted by the Co-operative Banks on an extensive scale. I may mention only two districts of which I have information. In Birbhum and Burdwan the Co-operative Banks have lent about a lakh and half each, but it has been represented that in the present year it is difficult to get money from mahajans in some parts of the country, and that it is apprehended that a large quantity of lands may be left uncultivated for want of agricultural loans. We accordingly asked the officers in the affected districts to report whether there is such apprehension of lands being left uncultivated for want of agricultural loans—the area of such lands, and the amount which might be required. We have received reports from three districts, two say no money is required and that no land will be left uncultivated for want of loan; and one, Dinajpur, says loans are required—a pretty large amount, and we have sanctioned it already in addition to what has been sanctioned before.

Babu JOGINDRA CHANDRA CHAKRAVARTI: May I ask for information as to what amount has been sanctioned on the report of the local officers of Dinajpur?

The Hon'ble Sir NALINI RANJAN CHATARJI: We were asked for Rs. 3 lakhs and that has been granted. We are expecting reports from other districts very soon, and Government will consider the question as soon as the reports are received.

No doubt such loans would be useless for agricultural purposes when the season passes away. But it has not yet passed, and we hope to get the reports very soon and then Government will do as much as available funds will permit.

Government do not wish to minimise the gravity of the situation, and will favourably consider recommendations of the local officers and do as much as Government can.

As regards the allegation of death from starvation, suicide, sale of children and wives, Government have got no report from the local officers. A question was put yesterday inquiring whether the Government took any notice of newspaper reports and to-day Babu Jogindra

Chandra Chakravarti asked if there were no reports how could inquiries be made. I wish he had only read the answer which I then read out. I stated in the answer that "there have, however, been allegations of such occurrences, which on inquiries were found not to be true." These allegations evidently referred to newspaper reports. The newspaper reports have not been ignored. The local officers of their own accord and under direction from Government made inquiries with reference to the alleged cases reported in the newspapers, and submitted reports from time to time.

Mr. H. S. SUHRAWARDY: We wish to know if the Hon'ble Member can account for the death certificates that have been tampered with. It was stated that a death certificate was cut out, and another one substituted in its place.

Dr. J. M. DAS GUPTA: I want to impress upon the Hon'ble Member that these cases have been investigated and several of them by my own self. I challenge the Government that if taken to a court I will prove that a good many of them are absolutely true because I have personally investigated these cases.

The Hon'ble Sir NALINI RANJAN CHATARJI: We have got a communication from the District Magistrate and it is this:

"Arif chaukidar has noted in his handbook for deaths that a man in his mahalla has died of starvation but on being questioned he said that the man died of fever and he could not say why the dafadar had written 'death by starvation.' I have examined the dafadar and have recorded his statement. He said that he did not write the handbook of the chaukidar and the chaukidar had made false statements. I am inquiring into the matter and shall report later on.

As no report has yet been received after inquiry, I am unable to say anything further on this point.

The reports which were received with regard to sales of children and deaths, etc., were accompanied in some cases with statements of local persons including members of Union Boards, Presidents of Union Boards, members of relief committees and relations of the deceased. The statements in original together with translations thereof were sent up to Government and I will read a few extracts from them to show the nature of the reports. As regards the alleged sale of a child with reference to which a facsimile appeared in the "Forward" I have here the report of local officers from which I would read a passage and the statements of some of the persons examined. "I have recorded the statements of all the 12 persons, except of Suku Mandal who is too old to come out and whose son Inkatulla Mandal stated that he did not

sign his name nor give his consent to do so and made a local inquiry. Thus Khsiradi Mandal said: "Nazu's son Azi has married the second daughter of Jaiganbi Bewa. He gave five rupees. Nazu has no house of his own; he lives in Samir's house. Bhola Urao Sardar one day came with a piece of paper. I can't read or write."

5 p.m.

I would now place before the House another report regarding deaths from starvation. The Collector of Dinajpur wrote on the 11th June, 1928, as follows:

"I enclose herewith the statements of the Presidents and members of Union Boards and Presidents of Relief Committees. I examined myself the persons concerned of 20 Unions and the Subdivisional Officer examined persons concerned of 5 Unions. I examined 18 Presidents of the Union Boards who are also Presidents of the Relief Committees and the Subdivisional Officer examined 4 Presidents of Union Boards who are also Presidents of Relief Committees. I examined almost all the Presidents of Patnitola and Porsha police-stations to the west of Atrai which is the worst affected area in the whole subdivision. I have asked the Subdivisional Officer to examine the Presidents of the remaining 8 Unions. I shall forward them to you as soon as I get them from him."

It will appear from the statements recorded that there is only one case of Union XI of Patnitola which has not been inquired into. All other cases have been found either to be false or grossly exaggerated. I would read some of the statements which were recorded.....

(Here the Hon'ble Member was stopped by motion for closure.)

Dr. J. M. DAS GUPTA: I rise to a point of order. I beg to move that the question be now put, as there is very little time left.

Mr. PRESIDENT: The question before the House is that the question be now put. But before I put this motion to the vote, I should like to say that the provisions of section 46 of the Bengal Legislative Council Rules and Standing Orders, which require that a motion for closure must be carried by a two-thirds majority seem to be in conflict with the provisions of section 72 B (*4*) of the Government of India Act which require that all questions must be carried by a majority of votes of members present in the House. Under section 72 D (*b*) of the same Act the provisions of section 46 of the Bengal Legislative Council Rules and Standing Orders must, therefore, be declared *ultra vires* or void to the extent of that repugnancy. So I rule that this motion will be carried, or thrown out, as the case may be, by a majority of votes of members present in the House.

On the closure question being put, a division was taken with the following result:—

AYES.

Acharjya Chaudhuri, Maharaja Shashi Kanta, of Muktagacha, Mymensingh.
Afzal, Maulvi Syed Muhammad.
Ahamad, Maulvi Asimuddin.
Ahamad, Maulvi Kasiruddin.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Mr. Altaf.
Atiquilah, Mr. Syed Md.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Promotha Nath.
Bunnerjee, Babu Jitendralal.
Basu, Mr. P. C.
Basu, Mr. Serat C.
Biswas, Babu Surendra Nath.
Bose, Babu Bejoy Krishna.
Bose, Mr. S. C.
Bose, Mr. Subhas Chandra.
Chakravarti, Babu Jogindra Chandra.
Chakraburtty, Babu Jatindra Nath.
Chattarjee, Srijut Bijay Kumar.
Chaudhuri, Maulvi Nurul Huq.
Chaudhuri, Rai Harendranath.
Choudhury, Maulvi Golam Mawla.
Choudhury, Maulvi Khorshed Alam.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dutt, Babu Saral Kumar.
Faroqui, Khan Bahadur K. G. M.
Ganguly, Babu Khagendra Nath.
Ghose, Babu Amarendra Nath.
Ghosh Maulik, Mr. Satyendra Chandra.
Gofran, Maulvi Abdul.
Gupta, Mr. Jogesh Chandra.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Himatsingka, Babu Prabhu Doyal.
Hoque, Kazi Emdadul.
Huq, Khan Bahadur Maulvi Ekramul.
Huq, Mr. A. K. Fazl-ul.
Husain, Khan Bahadur Maulvi Syed Maqbul.
Ismail, Khan Bahadur Maulvi Muhammad.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Babu Debendra Lal.
Khan Chaudhuri, Mr. M. Ashraf Ali.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Maiti, Babu Mahendra Nath.
Moitra, Srijut Jogendra Nath.
Mukerjea, Srijut Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Naeker, Babu Hem Chandra.
Nazimuddin, Mr. Khwaja.
Pal Choudhuri, Mr. Ranjit.
Poddar, Mr. Ananda Mohan.
Rahim, Sir Abd-ur-.
Rahman, Maulvi Azizur.
Rahman, Maulvi Shamsur-.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Raikat, Mr. Prosanna Deb.
Rauf, Maulvi Syed Abdur.
Ray, Dr. Kumud Sankar.
Ray, Srijut Radha Gobinda.
Roy, Babu Manmatha Nath.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sanyal, Babu Sachindra Narayan.
Sarker, Babu Naliniranjan.
Sattar, Mr. Abdool Razak Hajee Abdool.
Sen, Mr. Satish Chandra.
Sen, Srijut Nagendra Nath.
Sen Gupta, Mr. J. M.
Shah, Mr. Gholam Hossain.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Solaiman, Maulvi Muhammad.
Suhrawardy, Mr. H. S.

NOES.

Abbott, Mr. E. G.
Cassells, Mr. A.
Chatarji, the Hon'ble Sir Nalini Ranjan.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, of Dhanbari.
Cohen, Mr. D. J.
Coppinger, Lt.-Col. W. V.
Dash, Mr. A. J.
Dey, Mr. G. C.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Forrester, Mr. J. Campbell.
Ghose, Mr. M. C.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Hopkyns, Mr. W. S.
Hossain, the Hon'ble Nabab Musharruf, Khan Bahadur.
James, Mr. F. E.
Luke, Mr. N. R.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mukerji, Mr. S. C.
Nelson, Mr. W. H.
Prentice, the Hon'ble Mr. W. D. R.
Reid, Mr. R. N.
Roy, Mr. Bijoy Prasad Singh.
Sachse, Mr. F. A.
Sattar, Khan Sahib Abdus.
Stapleton, Mr. H. E.
Thomas, Mr. H. W.
Wordsworth, Mr. W. C.

The Ayes being 81, and the Noes 33, the motion for closure was carried.

The motion that the business of the Council be adjourned was then put and agreed to.

(At 5-12 p.m. the Council was adjourned for prayer and it re-assembled at 5-25 p.m.)

Point of Order.

Babu BEJOY KRISHNA BOSE: Sir, may I rise on a point of order? The motion that has just been carried was that the business of the House be adjourned. My point is that further business cannot continue now. The motion was not that the House do stand adjourned, but that the business of the House be adjourned, and the business of the House being adjourned, it cannot begin again.

Mr. PRESIDENT: I do not agree with you, Mr. Bose. If I remember aright, it was decided at the conference of Presidents in 1926—and I agree with that decision—that it was highly illogical that when a motion for adjournment to discuss a definite matter of urgent public importance is carried, the Council itself must be adjourned. So we must take up the next item of business.

Babu BEJOY KRISHNA BOSE: Another point of order, Sir. This could have been oviated by your fixing 5 o'clock to-day for the adjournment motion.

Mr. PRESIDENT: That is a different matter altogether. The adjournment motion, in any case, does not adjourn the Council.

I now call upon the Hon'ble Nawab Bahadur to move his resolution, No. 18.

Resolutions

(on matters of general public interest.)

Constitution of a Committee to Assist the Statutory Commission.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur of Dhanbari: Mr. President, Sir, I rise to move that this Council recommends to the Government that the committee to assist the Statutory Commission shall consist of seven members to be elected by this Council by means of the single transferable vote.

I will not weary the Council with a long speech on this resolution. I have already said that the Commission suggested that our committee should consist of 7 members, that being the number of the members of the Commission itself.

The resolution proposed that the committee be elected by means of a single transferable vote. The reasons for suggesting this method are that it is one which is designed to secure a fair representation of different communities, and is one with which the members of this House are familiar. It is the method by which we elect the members of the Committee on Public Accounts. If, however, the Council prefer some other method of election, Government are ready to accept it. It is their earnest hope that the Council will be able to agree in selecting their representatives and that the committee which goes to represent this Council shall go with the unanimous consent of the Council.

With regard to the amendments, I may say at once that Government are opposed to those which ask that the consideration of the resolution be postponed, as these amendments practically ask for the rejection of the resolution.

As I have already said, Government would heartily welcome the formation of a committee by the general consent of the Council and earnestly desire that the committee shall be truely representative of the Council. I think that this is the principle which underlies the amendment which stands in the name of Mr. Fazlul Huq, and if so, I sympathise with that principle. It is, however, for the Council and not for His Excellency the Governor to choose the members of the committee and Government cannot therefore accept the amendment as it stands.

There are two amendments which are intended to fix the porportions in which various parties or communities shall be represented on the committee. I would remind the Council, and especially the members of my own community, that it is unlikely that the members of the committee will be called upon to vote. Their duty will be to examine the evidence, written and oral, which is placed before them, to form their opinion and to endeavour to get those opinions accepted. It is therefore a matter of comparatively little importance how many members each party or community sends to the committee. It is a matter of far greater importance that the committee shall be representative and that we shall send to the committee the men who are best able to perform the important and difficult task entrusted to them. The view of Government is that the method suggested in my resolution is likely to secure the best result.

Government would on principle oppose the amendment which would prevent the official members from taking part in the election of

the committee. Under the constitution such members have equal rights with other members of the Council, and it would be unconstitutional to atempt to deprive them of those rights. We hope that it will be possible by the general consent to choose the committee without voting, but if there must be a ballot, then the official members will take part in it.

5-30 p.m.

The following motions were called but not moved and therefore deemed to be withdrawn:—

Srijut TARAKNATH MUKHERJEE and Babu MANMATHANATH ROY to move, by way of amendment, that the consideration of the resolution be postponed *sine die*.

Rai HARENDRANATH CHAUDHURI: to move, by way of amendment, that the consideration of the resolution be adjourned till after a general election of the Council on the issues raised by the resolution.

If the above motion be not carried, Rai Harendranath Chaudhuri to move, by way of amendment, that the consideration of the resolution be adjourned until this Council formulates its scheme of constitutional reforms.

Mr. A. K. FAZL-UL HUQ to move, by way of amendment, that the resolution do take the following form:—

"This Council recommends to the Government that the question of the method of election of the members be settled by His Excellency the Governor in consultation with, and in accordance with the wishes of, the various groups in the Council."

Mr. A. K. FAZL-UL HUQ to move that the resolution do take the following form:—

"This Council recommends to the Government that the said Committee shall consist of seven members to be elected by the representatives of the different communities in the Council who are desirous of cooperating with the Commission in the following proportion, that is to say, 3 by Muhammadans, 3 by non-Muhammadans, excluding Europeans, and 1 by Europeans, provided that if the Swaraj Party refuse to cooperate in the election the proportion shall be 4 by Muhammadans, 3 by non-Muhammadans, excluding Europeans, and 1 by Europeans."

Mr. SYED MD. ATIQULLAH to move, by way of amendment, that for the words "to be elected by this Council by means of the single transferable vote" the following be substituted, namely:—

"4 Muhammadans, 2 Hindus and 1 European to be elected by the Muhammadan, Hindu and European members of the Council, respectively."

Maulvi NURUL HUQ CHAUDHURI: I beg to move by way of amendment that for the words "by this Council" the words "by the non-official members of this Council" be substituted.

Mr. President, I move this amendment with some hesitation. Sir, there are a large number of members on this side of the House who are apparently of opinion that we are still in our political nonage and cannot therefore be trusted to manage our own affairs without official tutelage. But if I have been compelled to bring forward this amendment, it is because I want to remind the Government that the procedure which they propose to follow in the election of the committee is a violation of the spirit as well as the letters of Sir John Simon's assurance to the people of this country. The committee, I must remind the House, is a creature of the Statutory Commission and the Commission itself has indicated the manner of election and composition of the committee. I deny that the Government has any right to alter the scheme or to modify its composition. I shall draw the attention of the House to the carefully worded language in which Sir John Simon has expressed the intention of the Commission in his letter to His Excellency the Viceroy—

"We have no wish to dictate the composition of the Indian wing of the Conference in more detail, and we should greatly prefer that the precise scheme should be reached by agreement between the different elements in India concerned. Our main object will be met so long as the arrangement is one which secures that the Indian side of the Joint Conference includes, on appropriate occasions, those who are able to speak for the Provincial Councils just as the Joint Committee would speak for the Central Legislature, and so long as the members representing India sitting with us do not amount to an unwieldy number. We assume of course that, just as we ourselves are a body selected from all British parties and both Houses of Parliament, so our Indian counterpart would be, so far as may be, truly representative."

The Government has gone back upon the assurance of Sir John Simon. The procedure they have adopted is not only a breach of faith with the Indians but constitutes an act of discourtesy towards this House and an invasion of its privileges which it is our duty to guard against under all circumstances. Where is the agreement between the different elements in the House which was contemplated by Sir John Simon? "The

precise scheme of election and composition should be reached by agreement between the different elements in India concerned" says this letter to the Viceroy. Far from any agreement the Government have not even given the different elements an opportunity to come to an agreement. Before even the members of the different parties could come together the fiat had gone forth from Darjeeling that the representatives of the Government would come down to this House with a proposal that the members of the committee should be elected by means of the single transferable vote. This House should not for one moment lose sight of the implication of this proposal. The Government expects to carry the resolution by the votes of the majority, that is, the regimental votes of the Government if any one will dare to oppose them. All the different elements in this House may not fully agree with the Government. Three-fourths of the non-official members may condemn the proposal of the Government but that will have no influence upon the Government. I am extremely reluctant and I will be sorry if I am understood to ascribe any motive or sinister design on the part of the Government. But I cannot conceal from myself the fact that if you can credit the Government with the ordinary degree of intelligence, there is no escape from the conclusion that they must have foreseen that the swaraj party would retire from the contest as soon as the first resolution was passed. You cannot but conclude that the Government must have known and had even anticipated that with a House depleted of its independent strength it would lie prostrate at the feet of the Government and they would be able to bear down all opposition to their proposal and elect the committee by the votes of the majority, that is, of themselves. That anticipation has been fulfilled; the Swarajists have dropped out; the coast is now clear for the election of a committee which will represent nobody except the bureaucracy. We have kicked out the Swarajists, it is now the turn of the Government to kick out all those of the House who have not yet agreed to become the flunkeys and the footmen of the bureaucracy. I ask the House to consider in what way a committee elected in this manner will—to quote again the words of Sir John Simon—"be truly representative of the different elements in the House just as the Commission itself is representative of all the parties in British Parliament." Among the Moslems alone there are four different groups. The Ministerial group, the Ghuznavi group, the Moslem party and the Independents. I doubt not that the first two successful parties have proved to the satisfaction of the Government that many of the Independents belong to them. The fate of Ministry after Ministry should warn the Government that it is this Independent party which is the real power in this Council. Will the members of the committee all belong to one group or to all the groups? I doubt not that during the next three weeks one or two groups will succeed in convincing His Excellency that the victory of yesterday was entirely due to their industry and that they deserve well of the Government. I understand

the very names of the members have been settled. They will form a committee of the faithful who will faithfully carry out the mandate of the Government House. Sir, we have heard a great deal about the reactionary proposals which some gentlemen have been carrying to and from the Government House and the Secretariat.

I do not pretend to know what Sir John Simon and his colleagues will think if the Government of Bengal are going to furnish them with a packed committee who will reproduce the music of the Secretariat in the manner of a pre-established harmony.

But if the Government will have any lingering respect for honesty and fair play in public life, if they desire to rectify their initial blunder in ignoring the recommendation of the Commission to form the committee by agreement of the parties, their only course is to accept my amendment.

It gives them an opportunity of escaping from a position which has laid them open to the reasonable suspicion of being involved in a conspiracy to wrest from the Commission a verdict against the people of India. It is still open to them to follow the procedure laid down by the Commission in some respect. The only honourable course they can adopt consistently with that procedure is to leave the voting entirely to the non-official members of the House. I am not questioning the right of Government members to participate in the ordinary business of the House. The Parliament in its wisdom has associated them with us for the purpose of ordinary business. I do not question the wisdom of the Parliament. I am not inviting you to consider whether that association has been helpful to the growth and evolution of responsible government in India. I do not raise the question whether by the manner in which they had been voting in the past they were not giving their moral support to a system of corruption that has invaded the precincts of this House and have gone far to stifle public life in this province. It will be for the Commission to pronounce a judgment upon them. The issues that I have raised are entirely different and have nothing to do with them. I base my demand for non-participation of officials upon the construction of the language and the policy of the letter of Sir John Simon. If you read the letter, you will see that this committee is to be the Indian side, the Indian wing, of the joint conference. It is to be the representative of Indian people in the same way as the Commission itself is the representative of the English people. It is not—and it could not be—the intention of the Commission that while it will itself be the agent of the British people, the Indian wing of the conference should be elected by another set of agents of the same British people. I ask for a reply from the Government benches: Should the committee that is going to be elected be the representative of the Government, or should it be the representative of the people of Bengal? I ask for a frank reply to my question. If you want a committee which will be truly representative of the Government, then by

all means ask all Government members to vote in the election. There should be no pretence about it. If on the other hand you honestly desire that the committee should represent the people, you have no other option but to follow the example of the Swarajists. I am not an optimist, but I still hope that better counsel will sometimes prevail with the Government, and they may still persuade themselves to come out of an awkward situation, which their own policy has created. As regards those honourable members who are habitually accustomed to ask for guidance from the Secretariat, I shall ask them that if they cannot always act as patriotic men, they should at least try to act as Indians on some occasions.

The Hon'ble Mr. A MARR: The mover of the amendment has got his long speech off, but it appears that he paid very little attention to what the Hon'ble Nawab Bahadur said when he moved the resolution. The Nawab Bahadur clearly pointed out that Government have issued no orders whatsoever and have come to no conclusion whatsoever on this matter. He further pointed out that, if the non-official members of this House meet together and select the seven men for this committee, Government would not object at all and would accept the selected members. So there will be no interference on the part of Government. Until that happens, however, the official members of this House propose to reserve their right to vote and I do not see how the House can ask them to give up that right.

The motion of Maulvi Nurul Huq Chaudhuri was then put and lost.

The motion that this Council recommends to the Government that the committee to assist the Statutory Commission shall consist of seven members to be elected by this Council by means of the single transferable vote was put and agreed to.

Mr. PRESIDENT: I wish to announce that nominations for election to the committee, about which we have been deliberating, should be sent in by Tuesday, the 24th July, and I propose that the election be held between 2-15 and 2-55 p.m. on Friday, the 3rd August. It is expected that this day will be one of the days of the next session of the Council.

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor to announce that the Bengal Legislative Council stands prorogued.

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TO

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report.)

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